



STATE OF MAINE

DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE

PATRICIA W. AHO

GOVERNOR

COMMISSIONER

August 18, 2015

David Conroy, Chief  
Air Programs Branch  
U.S. EPA Region I-NE  
5 Post Office Square  
Mail Code: OEP 05-2  
Boston MA 02109-3912

Dear Mr. Conroy:

On December 14, 2012, the Department of Environmental Protection submitted amendments to its Chapter 127 New Motor Vehicle Emissions Standards for approval and incorporation into Maine's State Implementation Plan (SIP). In part this submittal set the effective date for requiring California aftermarket catalytic converters as June 1, 2015. To date EPA has not acted on this submittal the Department withdraws and replaces its prior submittal.

The most recent amendment change the effective date for from June 1, 2015 to June 1, 2018. The Department made this change to ensure that small manufactures had sufficient time to comply with the regulation and to allow a more orderly implementation of regional initiatives. The Department also clarified an exemption and its citation found elsewhere in the rule. The Department is amending the following sections found in its Chapter 127 New Motor Vehicle Emissions Standards:

- 1) Section 4(F): Exemptions;
- 2) Section 11: Add-On Parts and Modifications.

I have attached a copy of our MAPA-1 form as proof of adoptions, our response to comments, a copy of the public notice, and redline and clean versions of our Chapter 127 New Motor Vehicle Emissions Standards for your review and incorporation into the Maine SIP. Thank you for your attention to this matter, and if you should have any questions, please feel free to contact Tom Graham at 207-287-7598.

Sincerely,

Marc Allen Robert Cone, Director  
Bureau of Air Quality

AUGUSTA

BANGOR

PORTLAND

PRESQUE ISLE

17 STATE HOUSE STATION

106 HOGAN ROAD, SUITE 6

312 CANCO ROAD

1235 CENTRAL DRIVE, SKYWAY PARK

AUGUSTA, MAINE 04333-0017

BANGOR, MAINE 04401

PORTLAND, MAINE 04103

PRESQUE ISLE, MAINE 04769

(207) 287-7688 FAX: (207) 287-7826

(207) 941-4570 FAX: (207) 941-4584

(207) 822-6300 FAX: (207) 822-6303

(207) 764-0477 FAX: (207) 760-3143

Letter to David Conroy

August 18, 2015

Page 2 of 2

Enclosure

Cc: Patricia Aho, Commissioner  
Anne Arnold (electronic copy)  
Donald Dahl (electronic copy)

**Chapter 127: NEW MOTOR VEHICLE EMISSION STANDARDS**

**SUMMARY:** This regulation establishes motor vehicle emission standards for new passenger cars, light duty trucks, medium duty vehicles, and heavy-duty diesel vehicles.

**1. Scope/Applicability**

**A.** This regulation applies statewide.

**B.** This regulation applies to:

- (1) Any 2001 and subsequent model-year passenger cars, light duty trucks or 2003 and subsequent model-year medium-duty vehicles, and 2005 and 2006 model-year heavy-duty diesel engines and vehicles.
- (2) All 2008 and subsequent model year heavy duty diesel engines and vehicles.
- (3) Beginning with Model Year 2009, manufacturers must meet the Zero Emissions Vehicle sales requirement.
- (4) Beginning with Model Year 2009, manufacturers must meet the greenhouse gas emission standards for passenger cars, light-duty and medium duty passenger vehicles.

**2. Definitions**

- A. Add-on part.** "Add-on part" means any aftermarket part which is not a modified part or a replacement part.
- B. Aftermarket part.** "Aftermarket part" means any part of a motor vehicle emission control system sold for installation on a vehicle after the original retail sale of the vehicle.
- C. Auxiliary Power System.** "Auxiliary Power System" or APS means any device that is permanently dedicated to the vehicle on which it is installed and provides electrical, mechanical, or thermal energy to the primary diesel engine, truck cab and/or sleeper berth, bus's passenger compartment or any other commercial vehicle's cab, as an alternative to idling the primary diesel engine.
- D. California-certified.** "California-certified" means having a valid executive order and approved by CARB for sale in California.
- E. CARB.** "CARB" means the California Air Resources Board.
- F. Consolidated part.** "Consolidated part" means a part which is designed to replace a group of original equipment parts.
- G. Dealer.** "Dealer" means any person engaged in the business of selling, offering to sell, soliciting or advertising the sale of new vehicles who holds a valid sales and service agreement, franchise or contract, granted by the manufacturer or distributor for the retail sale of said manufacturer's or distributor's new vehicles.

- H. Delivered for sale.** "Delivered for sale" means delivered for sale or for lease in Maine.
- I. Emergency vehicle.** "Emergency vehicle" means any authorized vehicle publicly owned and operated that is used by a peace officer, used for fighting fires or responding to emergency fire calls, used by emergency medical technicians or paramedics, used for towing or servicing other vehicles, used for repairing damaged lighting or electrical equipment.
- J. Emission Control Labels.** "Emission Control Labels" means a paper, plastic, metal or other permanent material, welded, riveted or otherwise permanently attached to an area within the engine compartment (if any) or to the engine in such a way that it will be visible to the average person after installation of the engine in all new vehicles certified for sale in California, in accordance with Title 13, California Code of Regulations, Section 1965.
- K. Environmental Performance Label.** "Environmental Performance Label" means a paper or plastic decal securely affixed by the manufacturer to a window of all passenger cars, light-duty trucks, and medium-duty passenger vehicles which disclose the global warming and smog score for the vehicle in accordance with Title 13, California Code of Regulations, Section 1965.
- L. Emissions-related part.** "Emissions-related part" means any automotive part, which affects any regulated emissions from a motor vehicle which is subject to California or federal emission standards. This includes, at a minimum those parts specified in the "Emissions-Related Parts List," adopted by the California Air Resources Board.
- M. Federal Fuel Economy and Environmental Label.** "Federal Fuel Economy and Environmental Label" means a Federal Label that is affixed by the manufacturer to a window on all 2013 (optionally in 2012) and subsequent model year passenger cars, light-duty trucks, and medium-duty passenger vehicles and is compliant with the federal Fuel Economy and Environmental Label published in 40 CFR Parts 85, 86 and 600 as promulgated on July 6, 2011."
- N. Fleet average emission.** "Fleet average emission" means a vehicle manufacturer's average vehicle emissions of all greenhouse gases, non-methane organic gases (NMOG), or NMOG plus oxides of nitrogen (NOx), as applicable, from all new vehicles delivered for sale or lease to Maine in any applicable model-year based on the calculation in Title 13 California Code of Regulations, Sections 1960.1(g)(2), 1961, 1961.1, or 1961.3
- O. Greenhouse gas.** "Greenhouse gas" means the following gases: carbon dioxide, methane, nitrous oxide and hydrofluorocarbons.
- P. Greenhouse gas vehicle test group.** "Greenhouse gas vehicle test group" means vehicles that have an identical test group, vehicle make and model, transmission class and driveline, aspiration method (e.g., naturally aspirated, turbocharged), camshaft configuration, valvetrain configuration, and inertia weight class as defined in Title 13 California Code of Regulations, Section 1961.1.
- Q. Heavy-duty engine.** "Heavy-duty engine" means an engine that is used to propel a heavy-duty vehicle. e
- R. Heavy-duty motor vehicle.** "Heavy-duty motor vehicle" means a motor vehicle with a gross vehicle weight rating greater than 6,000 pounds, except passenger cars.

- S. Independent low volume manufacturer.** “Independent low volume manufacturer” means a manufacturer with California annual sales of less than 10,000 new passenger cars, light-duty trucks and medium-duty vehicles following aggregation of sales as defined in Title 13 California Code of Regulations, Section 1900 (b)(8).
- T. Intermediate volume manufacturer.** “Intermediate volume manufacturer” means any pre-2001 model year manufacturer with California sales between 3,001 and 60,000 new light- and medium-duty vehicles per model year based on the average number of vehicles sold by the manufacturer each model year from 1989 to 1993; any 2001 through 2002 model year manufacturer with California sales between 4,501 and 60,000 new light- and medium-duty vehicles per model year based on the average number of vehicles sold by the manufacturer each model year from 1989 to 1993; any 2003 through 2017 model year manufacturer with California sales between 4,501 and 60,000 new light- and medium-duty vehicles based on the average number of vehicles sold for the three previous consecutive model years for which a manufacturer seeks certification; and any 2018 and subsequent model year manufacturer with California sales between 4,501 and 20,000 new light- and medium-duty vehicles based on the average number of vehicles sold for the three previous consecutive model years for which a manufacturer seeks certification as defined in Title 13, California Code of Regulations, Section 1900.
- U. Large volume manufacturer.** “Large volume manufacturer” means “any 2000 and subsequent model year manufacturer that is not a small volume manufacturer, or an independent low volume manufacturer, or an intermediate volume manufacturer.
- V. Light-duty truck.** “Light-duty truck” means any 2000 and subsequent model vehicle certified to standards in Title 13, California Code of Regulations Section 1961(a) (1) rated at 8500 pounds gross vehicle weight or less, and any other vehicle rated at 6000 pounds gross vehicle weight or less, which is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.
- W. Lease.** “Lease” means any commercial transaction recognized under the laws of this State as a means of creating a right to use a good and includes renting. It also includes offering to rent or lease.
- X. Manufacturer.** “Manufacturer” means any small, independent low volume, intermediate or large volume vehicle manufacturer as defined in Title 13, California Code of Regulations Section 1900.
- Y. Medium duty passenger vehicle.** “Medium duty passenger vehicle” means any medium-duty vehicle with a gross vehicle weight rating of less than 10,000 pounds that is designed primarily for the transportation of persons. The medium-duty passenger vehicle definition does not include any vehicle which: (1) is an “incomplete truck”, i.e., a truck that does not have the primary load carrying device or container attached; or (2) has a seating capacity of more than 12 persons; or (3) is designed for more than 9 persons in seating rearward of the driver’s seat; or (4) is equipped with an open cargo area of 72.0 inches in interior length or more. A covered box not readily accessible from the passenger compartment will be considered an open cargo area, for purposes of this definition.
- Z. Medium-duty vehicle.** “Medium-duty vehicle” means any 2003 through 2006 model year heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in Title 13 California Code of Regulations, Sections 1956.8(g) or (h) or 1960.1(h)(2), having a manufacturer's gross vehicle weight rating of 14,000 lbs. or less; any 2003



heavy-duty vehicle certified to the standards in Title 13 California Code of Regulations, Sections 1960.1(h)(1), 1956.8(g) or (h) having a manufacturer's gross vehicle weight rating of 14,000 lbs. or less; and any 2003 and subsequent model heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in Title 13 California Code of Regulations, Sections 1956.8 (c), (g) or (h), 1961(a)(1), 1962, or 1962.1 having a manufacturer's gross vehicle weight rating between 8,501 and 14,000 lbs.

- AA. Model-year.** "Model-year" means the manufacturer's annual production period for each engine family which includes January 1 of a calendar year or, if the manufacturer has no annual production period, the calendar year. In the case of any motor vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.
- BB. Modified part.** "Modified part" means any aftermarket part intended to replace an original equipment emissions-related part and which is not functionally identical to the original equipment part in all respects which in any way affect emissions, excluding a consolidated part.
- CC. New motor vehicle.** "New Motor Vehicle" means any passenger car, light-duty truck or 2003 and subsequent model-year medium-duty vehicle and 2005 and subsequent model-year heavy-duty engines and vehicles with 7,500 miles or fewer on its odometer.
- DD. New motor vehicle engine.** "New motor vehicle engine" means a new engine in a motor vehicle.
- EE. Passenger car.** "Passenger car" means any motor vehicle designed with a capability for transportation of human beings and having a design capacity of twelve individuals or less.
- FF. Recall.** "Recall" means:
- (1) A manufacturer's issuing of notices directly to consumers that vehicles in their possession or control should be corrected; and/or
  - (2) A manufacturer's efforts to actively locate and correct vehicles in the possession or control of consumers.
- GG. Replacement part.** "Replacement part" means any aftermarket part which is intended to replace an original equipment emissions-related part and which is functionally identical to the original equipment part in all respects which in any way affect emissions (including durability), or a consolidated part.
- HH. Sell.** "Sell" means any commercial vehicles transaction recognized under the laws of this State as a means of transferring ownership of a good and includes barter. It also includes offering for sale.
- II. Small volume manufacturer.** "Small volume manufacturer" means "with respect to the 2001 and subsequent model-years, a manufacturer with California sales less than 4,500 new passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles and heavy-duty engines based on the average number of vehicles sold for the three previous consecutive model years for which a manufacturer seeks certification as a small volume manufacturer as defined in Title 13, California Code of Regulations, Section 1900.

**JJ. Smog Index Label.** “Smog Index Label” means a decal securely affixed by the manufacturer to a window of all passenger cars and light-duty trucks which discloses the smog index for the vehicle in accordance with Title 13, California Code of Regulations Section 1965.

**KK. Type 0, I, I.5, II, III, IV, and V ZEVs.** “Type 0, I, I.5, II, III, IV, and V ZEVs” means “Type 0, I, I.5, II, III, IV, and V zero emission fuel cell or battery electric vehicles as defined in Title 13, California Code of Regulations, Section 1962.1(d)(5)(A).

**LL. VECs.** “VECs” means vehicle equivalent credits.

**MM. ZEV--Zero-Emission Vehicle.** “Zero emission vehicle” means any motor vehicle any passenger car, light-duty truck, or medium duty vehicle certified to the zero emission vehicle standards in Title 13 CCR 1962, 1962.1, and 1962.2.

### 3. Incorporation by Reference

This chapter incorporates by reference certain sections of Title 13, California Code of Regulations. Appendix A lists the sections of Title 13, California Code of Regulations incorporated by reference and the respective amended date for each section. The sections of Title 13, California Code of Regulations incorporated by reference in this chapter are the version of the section adopted as of the amended date in Appendix A. For purposes of applying the incorporated sections of the California Code of Regulations, unless clearly inappropriate, “California” shall mean “Maine”. Copies of the incorporated material are available from the Department by calling 207-287-2437.

### 4. Prohibitions

**A. New Vehicle Emission Requirements.** No person, including a manufacturer or dealer, shall deliver for sale or lease, offer for sale or lease, sell or lease, import, or rent a new vehicle that is a 2001 and subsequent model-year passenger car or light-duty truck or 2003 and subsequent model-year medium-duty vehicle, unless the vehicle or engine is California-certified and complies with the following criteria:

- (1) The exhaust emissions standards in Title 13, California Code of Regulations Sections 1956.8 (c),(g) or (h), 1960.1, 1961.1, 1961.2, 1961.3, 1962, 1962.1 or 1962.2; and
- (2) The emission control label requirements, the smog index label requirements for 2002 through 2009 model-years, and the Environmental Performance Label or a Federal Fuel Economy and Environmental Label securely affixed to a window of the vehicle for 2010 and subsequent model-years in accordance with Title 13, California Code of Regulations Section 1965. No motor vehicle dealer in Maine shall remove or cause removal of an Environmental Performance Label or a Federal Fuel Economy and Environmental Label affixed to any motor vehicle subject prior to the sale or lease of the vehicle.
- (3) The evaporative emissions standards in Title 13, California Code of Regulations Section 1976;
- (4) The refueling emissions standards in Title 13, California Code of Regulations Section 1978;

- (5) The malfunction and diagnostic system requirements in Title 13, California Code of Regulations Section 1968.1;
- (6) The assembly-line testing procedure requirements in Title 13, California Code of Regulations Section 2062; and
- (7) The specifications for fill pipes and openings of motor vehicle fuel tanks in Title 13, California Code of Regulations Section 2235.

**B. New Heavy-Duty Diesel Vehicle Requirements.** No person, including a manufacturer or dealer, shall deliver for sale or lease, offer for sale or lease, sell or lease, import, or rent a 2005 or 2006 and 2008 and subsequent model-year heavy-duty diesel engine, a new motor vehicle equipped with a 2005 or 2006 and 2008 and subsequent model-year heavy-duty diesel engine, or a motor vehicle with a new 2005 or 2006 and 2008 and subsequent model-year heavy-duty diesel engine, unless the vehicle and engine are California-certified and complies with the following criteria:

- (1) The exhaust emissions standards in Title 13, California Code of Regulations Section 1956.8.
- (2) Any diesel fueled auxiliary power system installed on a vehicle certified with a 2007 and subsequent model year heavy duty diesel engine must be California certified and comply with the requirements specified in Title 13 California Code of Regulations Section 2485(c)(3) or meet EPA's Tier 4 standards pursuant to 40 CFR Part 1039 (last amended July 13, 2005).

**C. Zero Emission Vehicle Requirements.** Beginning with the 2009 model year, each manufacturer's sales fleet of passenger cars (PCs), light-duty truck 1 (LDT1), and light-duty truck 2 (LDT2) vehicles as applicable, produced and delivered for sale in the State of Maine shall contain at least the same percentage of ZEVs subject to the requirements, including credit and banking provisions, set forth in the Title 13 California Code of Regulations, Section 1962.1 and 1962.2 using Maine specific vehicle numbers.

**D. Alternative Zero Emission Vehicle Compliance.** As an alternative means of compliance with the requirements of Section 4(C), an automobile manufacturer may instead opt to utilize the following alternative compliance mechanisms. If a manufacturer opts to utilize the alternative compliance mechanisms, such manufacturer shall notify the commissioner in writing by October 1, 2005.

- (1) A manufacturer may earn Maine ZEV credits for the introduction into Maine of PZEVs, AT PZEVs, and ZEVs beginning with 2004 model year provided that:
  - (a) The vehicle credit values for this alternative compliance path shall be the same as the Title 13 California Code of Regulations, Section 1962.
  - (b) After the credit value for a 2004 through 2008 model year vehicle is established by CARB pursuant to Title 13 California Code of Regulations, Section 1962, a Maine multiplier will be applied to such credit value for that vehicle in accordance with Table 1. The Maine multiplier shall not be applied to all ZEV Types that qualify for the travel provision as identified in the Title 13 California Code of Regulations, Section 1962(d)(5)(D).

Table 1, Maine Multiplier



Model Year	Requirement	PZEV Credit Multiplier	AT PZEV Credit Multiplier	ZEV Credit Multiplier
2004	Voluntary Early Introduction	1.5	2.25	3
2005	Voluntary Early Introduction	1.5	2.25	3
2006	Voluntary Early Introduction	1.3	1.7	2
2007	Voluntary Early Introduction	1.15	1.3	1.5
2008	Voluntary Early Introduction	1.15	1.3	1.5
2009	Equivalency with California Program	1	1	1

- (c) Maine ZEV credit use, life, banking and trading will be calculated as per California Code of Regulations, Title 13, Sections 1962 or 1962.1.
- (d) The commissioner shall calculate the amount of credits earned based on the report received pursuant to Section 8(B) (3). The commissioner shall establish ZEV compliance accounts for each manufacturer and allocate the credits earned to such compliance accounts, including separate accounts for PZEV, AT-PZEV, Enhanced AT-PZEV, NEV, Types 0, I, I.5 II, III, IV and V ZEVs, transportation systems, and extended service. For each account, in the event that the number of credits earned pursuant to this subsection is less than the number of credits that would have been awarded to a manufacturer under Section 4(D)(2), the commissioner shall calculate the difference and apply a number of credits equal to such difference to such manufacturer's compliance account.
- (e) A manufacturer shall be entitled to the defined credits for all ZEV Types as specified in the travel provisions pursuant to the California Code of Regulations, Title 13, Sections 1962(d)(5)(D) or 1962.1(d)(5)(E). Starting with 2010 and subsequent model years, qualifying ZEV Types placed in service in California or any Section 177 State may be counted towards compliance in California and in all Section 177 States provided that the credits are multiplied by the ratio of a LVM's production volume in a Section 177 State for the same model year in California as specified in Title 13 California Code of Regulations, Sections 1962.1(d)(5)(E).
- (2) The commissioner shall set aside a number of Maine ZEV credits proportionally equivalent to the number of ZEV credits possessed by the requesting manufacturer, for use in the State of California at the beginning of the 2009 model year. This transfer will be performed only after all credit obligations for model years 2008 and earlier have been satisfied in California. The manufacturer's California credit balances shall be multiplied by the ratio of the average number of PCs, LDT1, and LDT2 vehicles as applicable, produced and delivered for sale in Maine to the combined average number of PCs, LDT1, and LDT2 vehicles as applicable produced and delivered for sale in California in model years 2003 through 2005 or, alternatively, by the ratio of PCs, LDT1, and LD2 vehicles produced and delivered for sale in Maine to the combined number of PCs, LDT1s, and LDT2 vehicles as applicable, produced

and delivered for sale in California in model year 2009. In either case, the time period used to determine the credit transfer ratio will also be used to determine model year 2009 ZEV sales requirements in Maine.

The commissioner shall establish ZEV compliance accounts for each manufacturer and allocate the credits calculated under this section 4(D)(2) to such compliance accounts, including separate accounts for PZEV, AT-PZEV, Enhanced ATPZEV, NEV, Type 0 ZEVs, Type I ZEVs, Type I.5 ZEVs, Type II ZEVs, Type III ZEVs, Type IV ZEVs, Type V ZEVs, transportation systems, and extended service. The commissioner shall notify such manufacturer of the number of ZEV credits available for use by July 31, 2009 and annually thereafter. Credits issued pursuant to this subsection may only be used in Maine for compliance with the ZEV provisions of section 4(C) subject to the same requirements and limitations on credit use set forth in the Title 13 California Code of Regulations, Section 1962.1 adjusted for Maine specific vehicle numbers.

A manufacturer shall be entitled to the defined credits for all ZEV Types as specified in the travel provisions pursuant to the California Code of Regulations, Title 13, Sections 1962(d)(5)(D) or 1962.1(d)(5)(E). Furthermore, each manufacturer operating under this compliance path shall:

- (a) By May 1, 2009, provide the commissioner with the total number of PCs, LDT1, and LDT2 vehicles as applicable, produced and delivered for sale in Maine and California for 2003 through 2005 model years.

Alternatively, by May 1, 2009, provide the commissioner with the total projected number of PCs, LDT1 and LDT2 vehicles to be produced and delivered for sale in Maine and California in model year 2009. By March 1, 2010, provide the commissioner with actual 2009 model year PCs, LDT1 and LDT2 vehicles produced and delivered for sale in Maine and California. The commissioner shall adjust and notify such manufacturer of the number of ZEV credits established based on actual 2009 model year data by May 31, 2010.

- (b) By May 1, 2009, provide the commissioner with the total number of banked California credits after all 2008 model year and earlier obligations have been met.
- (c) Starting with model year 2009-2011, make available for purchase or lease in Maine any PZEV, AT-PZEV, Enhanced ATPZEV, and ZEV models, except all ZEVs that qualify for the travel provision pursuant to Title 13 California Code of Regulations, Section 1962.

- (3) Any manufacturer who fails to meet the requirements of its respective alternative compliance path shall be subject to full compliance with the ZEV mandate provisions set forth in Section 4(C).

**E. New Vehicle Greenhouse Gas Emission Requirements.** No person, including a manufacturer or dealer, shall deliver for sale or lease, offer for sale or lease, sell or lease, import or rent a new passenger car, medium duty passenger vehicle or light-duty truck, unless that new vehicle complies:

- (1) Effective with 2009 through 2016 with the greenhouse gas emission limits set for the in the Title 13 California Code of Regulations, Section 1961.1, as incorporated in Appendix A.

- (2) Effective for 2017 and subsequent model years with the greenhouse gas emission limits set in the Title 13 California Code of Regulations, Section 1961.3.

**F. Exemptions.** The following new vehicles shall not be subject to this Chapter:

- (1) An emergency vehicle;
- (2) A vehicle with a right-hand drive configuration that is not available in a California-certified model, purchased by a rural route postal carrier and used primarily for work;
- (3) A vehicle designed exclusively for off-road use;
- (4) A vehicle certified to standards promulgated pursuant to the authority contained in 42 U.S.C. Section 7521 and which is in the possession of a rental agency in Maine and is next rented with a final destination outside of Maine;
- (5) A vehicle which is a 2005 or 2006 and 2008 and subsequent model-year heavy-duty diesel- as defined under exempt vehicles in Title 13, California Code of Regulations, Section 1956.8 (a)(6)(B);
- (6) A vehicle with an engine that the California Air Resources Board determines, following a technology review, is inappropriate to require compliance for heavy-duty diesel engines of that particular model-year and engine family; or
- (7) A vehicle which is a military tactical vehicle or equipment.

**5. Warranty**

For all 2004 and subsequent model-year California-certified vehicles delivered for sale to Maine, each manufacturer shall provide a warranty for the ultimate purchaser and each subsequent purchaser that complies with the requirements of Title 13, California Code of Regulations, Sections 2035 through 2040 and 2046.

**6. Recall**

For all 2001 and subsequent model-year California-certified vehicles registered in Maine, each manufacturer shall undertake an action equivalent to that which is required by any order or enforcement action taken by CARB, or any voluntary or influenced emission related recall initiated by any manufacturer pursuant to Title 13, California Code of Regulations Sections 2109 through 2133, and 2135 through 2149, unless within 10 days of CARB approval of said recall, the manufacturer demonstrates to the Department that such recall is not applicable to vehicles registered in Maine. Each manufacturer must send to owners of Maine registered California-certified vehicles the same notice that is used for California owners required by Title 13, California Code of Regulations Sections 2118 or 2127.

**7. Manufacturer Fleet Requirements**

- A. Each manufacturer shall meet the following fleet requirements for the number of vehicles delivered for sale or lease in Maine.



- (1) Effective for 2004 and through 2014 model years, each manufacturer shall comply with the fleet average NMOG emission requirements and LEV II phase-in requirements for passenger cars and light-duty trucks and, for 2001 and subsequent model-years, may earn and bank NMOG credits, both in accordance with Title 13, California Code of Regulations Section 1961, except NMOG credits earned prior to model-year 2003 shall be treated as though they were earned in model-year 2003.
- (2) Effective for 2005 through 2014 model years, each manufacturer shall comply with the LEV II medium-duty vehicle phase-in requirements and, for 2003 through 2014 model-years may earn and bank VECs, both in accordance with Title 13, California Code of Regulations Section 1961, except VECs earned prior to model-year 2005 shall be treated as though they were earned in model-year 2005.
- (3) Effective for 2015 and subsequent model years (or 2014, for manufacturers choosing early compliance with the fleet average requirements in Section 1961.2), each manufacturer shall comply with the fleet average NMOG + NOx emission requirements and the LEV III phase-in requirements for passenger cars, light-duty trucks, and medium-duty vehicles, and may earn and bank NMOG + NOx credits or VECs as applicable, all in accordance with Title 13, California Code of Regulations, Section 1961.2.
- (4) Effective for the 2009 through 2017 model years, each manufacturer's sales fleet of passenger cars and light duty trucks produced and delivered for sale or lease in the State of Maine shall contain at least the same percentage of ZEVs subject to the requirements, including credit and banking provisions, set forth in the Title 13 California Code of Regulations, Section 1962.1 using Maine specific vehicle numbers.

Effective for 2018 and subsequent model years, each manufacturer shall comply with the California general percentage ZEV requirement based on the number of passenger cars and light-duty trucks to the extent required by Title 13, California Code of Regulations, Section 1962.2(b), produced by the manufacturer and delivered for sale in Maine in accordance with the requirements and procedures in Title 13, California Code of Regulations, Section 1962.2.

- (5) Manufacturers shall comply with fleet average greenhouse gas emission requirements as follows:
  - (a) Effective for 2009 through 2016 model years, each manufacturer shall comply with the fleet average greenhouse gas emission levels from passenger cars, light-duty trucks and medium-duty passenger vehicles, including but not limited to the generation and use of credits, in accordance with Title 13, California Code of Regulations 1961.1
  - (b) Effective for 2017 and subsequent model years, each manufacturer shall comply with the fleet average greenhouse gas emission levels based on the sales-weighted average of the calculated CO<sub>2</sub> exhaust mass emission target values for passenger cars, light-duty trucks and medium-duty passenger vehicles from each manufacturer, including but not limited to the generation and use of credits, in accordance with Title 13, California Code of Regulations, Section 1961.3.
  - (c) Greenhouse gas credits and debits may be accrued and used based on each manufacturer's sale of vehicles subject to the greenhouse gas provisions of this section in the State of

Maine in accordance with the provisions set forth in Title 13, California Code of Regulation, Section 1961.1 and 1961.3.

## **8. Manufacturer Reporting Requirements**

**A. Delivery Reporting.** Commencing with the 2001 model-year for passenger cars and light-duty trucks and the 2003 model year for medium-duty vehicles, each manufacturer shall submit annually, to the Department, by March 1 following the end of each model-year, a report, itemized by test group, documenting total new vehicles delivered for sale or lease in Maine.

### **B. Fleet Reporting**

- (1) Each manufacturer shall submit annually to the Department, by March 1 (or May 1 for GHG reporting) following the end of each model-year, a report that demonstrates that the manufacturer has met the fleet requirements of Section 7 in Maine.
- (2) If a manufacturer wants to bank VECs, NMOG, or NMOG + NO<sub>x</sub> credits, the manufacturer shall submit annually, by March 1 or May 1 for GHG reporting, following the end of the model-year, a report, which demonstrates that such manufacturer has earned VECs, GHGs, NMOG, or NMOG + NO<sub>x</sub> credits in Maine. Credits are to be calculated in the same manner as required by CARB.
- (3) Each manufacturer shall submit a compliance report to the commissioner no later than May 1<sup>st</sup> following the completed model year demonstrating compliance with Sections 4(C) or 4(D). The compliance report shall include vehicle sales organized by engine family and identify the number of Maine ZEV credits earned. Such report may be amended based on late sales.

### **C. Recall Reporting**

- (1) Each manufacturer shall submit for 2001 and subsequent model-year vehicles, within 10 days of CARB approval, a copy of any CARB approved voluntary, influenced or ordered recall plan specified by Title 13, California Code of Regulations Sections 2114 and 2125, supplemented with the number of affected vehicles registered in Maine.
- (2) Each manufacturer shall submit recall campaign progress reports for vehicles registered in Maine, within the timelines of, and containing the information required by, Title 13, California Code of Regulations Sections 2119 and 2133. Reports need not be submitted to the Department if the equivalent reports have been waived by CARB.

### **D. Documentation**

A manufacturer, a dealer or a transporter of new vehicles shall, upon request, provide to the Department any documentation, which the Department determines to be necessary for the effective administration and enforcement of this Chapter.

## **9. Regional Document Repository**

Maine may enter into an agreement with other states to establish a regional document repository.

## **10. Dealer Inspection**

The Department or its agents may conduct inspections on any premises owned, operated, used, leased, or rented by any dealer.

**11. Add-On-Parts and Modified Parts.** Title 13 California Code of Regulations, Chapter 4, Article 2, Section 2222 Add-On-Parts and Modified Parts in Appendix A of this Chapter is effective June 1, ~~2015~~ 2018.

**12. Severability**

Each Section of this Chapter shall be deemed severable, and in the event that any Section of this Chapter is held invalid, the remainder shall continue in full force and effect.

AUTHORITY: 38 M.R.S.A., Sections 585, 585-A, 585-D

EFFECTIVE DATE: February 17, 1993  
 Amended: March 30, 1994  
 Electronic Conversion: May 8, 1996  
 Amended: December 31, 2000  
 Amended: December 22, 2001  
 Amended: December 28, 2004, filing 2004-598  
 Amended: September 4, 2005, filing 2005-318  
 Amended: December 19, 2005, filing 2005-498  
 Amended: May 20, 2009  
 Amended: July 29, 2012  
 Amended: December 12, 2012  
 Amended: September 3, 2013  
Amended March 2015

---

**BASIS STATEMENT OF FEBRUARY 17, 1993**

Portions of the State of Maine exceed both the state and federal ambient air quality standard for ozone. Mobile sources have been identified as the single greatest source of both volatile organic compounds (VOC) and nitrogen oxides (NOx) emissions, precursors to ozone formation. In addition, mobile sources are significant emitters of air toxics. The 1990 Clean Air Act Amendments (CAAA) mandate that Maine's moderate nonattainment areas achieve a 15 percent reduction in VOCs by November 15, 1996, and that Maine implement a strategy for the long-term maintenance of air quality.

Chapter 127 establishes exhaust and evaporative emission standards for all non-exempt 1996 and newer passenger cars and light-duty trucks. Beginning with the 1996 model-year, all new passenger cars and light-duty trucks subject to Chapter 127 must have received an Executive Order issued by the California Air Resources Board certifying that the specified engine family or model-year has been certified for sale in California.

By the year 2015, Chapter 127 will result in a 56 percent reduction in mobile source emissions of VOCs and a 38 percent reduction in mobile source emissions of NOx. Air toxics emissions from mobile sources will be reduced by approximately 64 percent. It is estimated that vehicles certified to the Chapter 127 standards will cost an additional \$200 over the cost of a comparable, non-certified vehicle.



The Department received numerous comments on the proposal from both proponents and opponents. Proponents noted the cost-effective manner in which Chapter 127 addresses long-term emission reductions and air quality maintenance through the use of currently available technology, while opponents criticized the proposal on its cost, effectiveness, technological demands and fuel related issues. In addition to the Basis Statement, the Department has filed with the Secretary of State the response to comments received during the comment period.

#### **BASIS STATEMENT FOR AMENDMENTS OF MARCH 30, 1994**

This regulation has been amended to incorporate restrictions on the implementation of the Maine New Motor Vehicle Emissions Standards made by the 116th First Regular Session of the Maine Legislature. The effective date of the regulation and applicable dates have been changed in response to the restrictions set forth in 38 M.R.S.A Section 585-D. The regulation has also been amended by deleting provisions for in-use vehicle enforcement testing due to resource constraints and concerns over the Department's legal authority to conduct such testing. One commenter suggested that all emissions related motor vehicle recalls instituted by either the California Air Resources Board or motor vehicle manufacturers automatically apply to vehicles subject to this regulation unless the Department determines the recall is not applicable within 30 days. The regulation was amended to reflect this comment.

Chapter 127 requires that all new motor vehicles subject to the regulation be manufactured and certified to more stringent emission standards than those required by the federal government. These more stringent emission standards are necessary for the long term maintenance of air quality in the face of increased vehicle usage and economic development. The emission reductions resulting from this regulation will also be necessary to attain the State ozone air quality standard of .081 ppm.

In addition to the Basis Statement above, the Department has filed with the Secretary of State its responses to comments received during the comment period.

#### **BASIS STATEMENT FOR AMENDMENTS OF DECEMBER 21, 2000**

On February 17, 1993, Maine adopted the Chapter 127, New Motor Vehicle Emission standards, which provide for cleaner new vehicles than those vehicles manufactured under federal emission standards. However, legislation was subsequently passed stipulating that the effective date of the regulation was dependent on whether states in the northeast and the Ozone Transport Region also adopted similar rules. The automobile manufacturers were notified in December 1997 that these conditions were met, and Maine's LEV program commenced with model-year 2001 motor vehicles. The Legislature subsequently removed the triggers from legislation.

This amendment of Chapter 127, through a repeal and replace, reflects changes to the California Low Emission Vehicle Program that were made since the Maine program was adopted in 1993. The California Air Resources Board first adopted LEV standards in 1990. These first LEV standards run from 1994 through 2003. LEV2 regulations, running from 2004 through 2010, represent continuing progress in emission reductions. The state's passenger vehicle fleet continues to grow, we continue to increase the number miles driven, and more sport utility vehicles and pickup trucks are used as passenger cars rather than work vehicles. The new, more stringent LEV2 standards are necessary for Maine to attain and maintain federally-mandated clean air standards and further reduce the many harmful pollutants emitted from motor vehicles.

In addition this amendment also repeals the Zero Emission Vehicle mandate. The original Zero Emission Vehicle mandate would require that, starting with model-year 2003 motor vehicles, 10 percent of new vehicles sold in Maine be Zero Emission Vehicles. A portion of the 10 percent mandate can be made through partial "ZEV credits" for vehicles such as gasoline/electric hybrids and super clean gasoline-powered vehicles.

In September 2000 the California Air Resources Board decided to keep its ZEV mandate in place. While upholding the ZEV mandate the Board expressed concerns on several issues: current lack of ZEV availability, market demand, and cost and incentives for ZEVs. CARB directed their staff to review the regulation and propose appropriate modifications to address these issues and assure successful penetration of ZEVs into the market. The Department has similar reservations and recommends that the Board repeal the current ZEV mandate and revisit the ZEV mandate after California has completed its evaluation.

In addition to the Basis Statement above, the Department has filed with the Secretary of State its responses to comments received during the comment period.

#### **BASIS STATEMENT FOR AMENDMENTS OF DECEMBER 6, 2001**

California incorporated EPA's federal Tier II standards that were more stringent for light and medium duty vehicles than the previously adopted LEV II standards. California also adopted EPA's more stringent standards for heavy-duty gasoline engines beginning in model-year 2005. By adopting these standards, Maine continues to receive only the cleanest vehicles available in every vehicle category.

In the 1990s, seven large manufacturers of heavy-duty diesel engines (HDDEs) violated federal certification regulations by turning off, or defeating, emissions control equipment during in-use highway driving. When the Heavy-Duty Diesel Engines (HDDE) certification violations were discovered, it was found that operation outside the scope of the Federal Test Procedure (FTP) test cycle could result in significant emission increases. To address this and resolve litigation over these certification violations, in 1998, the Department of Justice, the EPA and the California Air Resources Board (CARB) signed consent decrees with seven engine manufacturers, which account for approximately 60% of the manufactured HDDE engines for sale in the United States. In the consent decrees, the settling manufacturers are required, among other things, to produce HDDEs that comply with prescribed emission standards that are lower than those currently required by CARB and EPA regulations, as measured by FTP, no later than October 1, 2002. These standards are approximately 50 percent cleaner than currently available engines, cutting NO<sub>x</sub> emissions in half.

In addition, the majority of the settling manufacturers agreed to produce engines by October 1, 2002, that would meet supplemental test procedures including the Not-To-Exceed (NTE) test and the EURO III European Stationary Cycle (ESC) test. The NTE requirement would apply under any engine operating conditions that could reasonably be expected in normal vehicle use. ESC primarily represents the typical highway cruise operating conditions of heavy-duty diesel vehicles. This can help prevent excess emission increases during highway driving.

The consent decrees state that these requirements must be met for a period of two years for diesel engines for model-year vehicles 2003-2004. U.S. EPA adopted in 1997 more stringent emission standards for HDDE vehicles effective for model-year 2004. Recognizing the effectiveness of the supplemental tests, on October 29, 1999, the EPA published a Notice of Proposed Rulemaking (64 FR 58472) proposing to adopt similar supplemental test procedures for 2004 and subsequent model-year HDDEs. However, because of statutory federal timing constraints, the NTE and ESC test procedures will not be required until the 2007 model-year for federally certified HDDEs (65 FR 59896, October 6, 2000). Therefore,

once the consent decree requirements expire in 2004, the settling manufacturers will not be obligated to comply with the supplemental test procedures for model-years 2005 or 2006.

In order to assure continued compliance by the settling manufacturers and to begin compliance by all other manufacturers with model-year 2005, California adopted rules on December 8, 2000, to include the NTE and ESC tests in the required California certification process for 2005 and subsequent model-year HDDEs. California's supplemental test procedures parallel those in the consent decrees and the EPA's Final Rule for 2007 and subsequent model-year HDDEs. By adopting California's NTE standards, Maine closes the regulatory gap from the expiration of the consent decrees in 2004 to when the federal test procedures take effect in 2007. Adopting the proposed test procedures will require settling manufacturers to continue producing clean engines during the 2005 and 2006 model-year and require non-settling manufacturers to produce cleaner engines two years prior to the EPA 2007 rule.

Promulgation of the NTE standards would reduce NO<sub>x</sub> emissions from HDDE vehicles by 50 %, which is a known precursor to the production of ozone. Based on predicted California sales, the cost-effectiveness of the HDDE test procedures is a lifetime reduction of 2.41 tons of NO<sub>x</sub> at a cost of \$340/ton. Adoption of these NTE standards would aid the State in maintaining NAAQS for ozone by reducing the in-use emissions of air contaminants from HDDE vehicles.

#### **BASIS STATEMENT FOR AMENDMENTS OF DECEMBER 2, 2004**

The purpose of this rule making is to adopt California's 2007 Heavy-Duty Diesel Engine (HDDE) emission standards and extend beyond 2006 the Not-To Exceed (often referred to as the NTE Rule) and Euro III European Stationary Cycle emission test procedures for on-road heavy-duty diesel engines. The California standard will be phased in over four years - 50% of the new engines sold in model years 2007 through 2009 are to meet the new NO<sub>x</sub> standard with full compliance in model year 2010. These standards will not be in effect in Maine until 2008, the second year of the four-year phase-in period. Therefore, the standards that will apply in Maine for 2008, 2009 and 2010 will be the identical standards in effect in California for each criteria pollutant for those three years.

EPA's 2007 heavy-duty diesel rule requires engines to emit 95% less NO<sub>x</sub> and 90% less harmful diesel particulate matter than the current engine standard. California's adopted HDDE regulations for model years 2007 and subsequent years are substantively identical to the EPA rule for model year 2007. We propose to adopt California's standard to continue to receive these significant emissions reductions in the event that EPA's 2007 rule is delayed or weakened.

The trucking industry has suggested a delay may be necessary or that Congress should create financial incentives to help address the cost of buying these new engines. States are concerned that congressional action or a last minute industry legal challenge could postpone the implementation of the federal rule in 2007.

This rulemaking is part of a multi-state initiative. To date 13 states have committed to adopting California's heavy-duty diesel emission standards to ensure that a significant portion of the domestic market for HDDEs is required to meet the more stringent emission standards and that states receive the associated significant emission reduction benefits.

Adoption of the 2007 California HDDE emission standards would aid the State in attaining and maintaining NAAQS for ozone by reducing the in-use emissions of air contaminants from HDDE vehicles.



**BASIS STATEMENT FOR AMENDMENTS OF DECEMBER 2, 2004**

In December 2000 the Board repealed the ZEV program. While California Air Resources Board (CARB) upheld its ZEV program, CARB expressed concerns on several issues: current lack of ZEV availability, market demand, and cost and incentives for ZEVs. CARB directed their staff to review the regulation and propose appropriate modifications to address these issues and assure successful penetration of ZEVs into the market. The Department had similar reservations and recommended that the Board repeal the current ZEV program and revisit the ZEV program after California completed its evaluation.

When California adopted the ZEV program in 1993, battery electric vehicles were virtually the only vehicles available that could meet the ZEV requirements. In April 2003 CARB finalized modifications to its ZEV program that better aligned the program requirements with the status of current technology development. These modifications allow gasoline-electric hybrids and gasoline powered vehicles that meet the SULEV standard with zero evaporative emissions to meet up to 80% of the ZEV requirement. The ZEV percentage requirements remained at 10% but started in model year 2005, allowing manufacturers to earn and bank credits for vehicles produced prior to the 2005 model year.

The 2003 changes also include an "alternative compliance path" that allows AT PZEVs (gasoline-electric hybrids) to be used to meet the pure ZEV obligations, provided that the manufacturer meets a requirement for a specified number of fuel cell vehicles (250 fuel cell vehicles from 2001 to 2008).

Many of these technologies have at least some qualities inherent to ZEV's, such as extremely low emissions and extended durability, partial all-electric range or the use of an inherently durable non-combustion engine. The program introduces significant flexibility into the ZEV sales requirement and broadens the scope of vehicles that can qualify for meeting some portion of the ZEV sales requirement.

Based on the California Zero Emission Vehicle Program modifications, the Department finds that California has addressed the concerns expressed in 2000.

Maine - like six other states in the Northeast (Vermont, Massachusetts, and New York with existing programs; Connecticut, RI, and NJ with new programs)- has chosen to implement California's LEV program. Unlike those six states, however, Maine has not incorporated the Zero Emission Vehicle program. New Hampshire has neither program.

Reductions in mobile source emissions are an important part of achieving air quality goals. Maine, federal, state, and local governments are working to bring ozone and particulate levels into compliance with the National Ambient Air Quality Standard (NAAQS) through State Implementation Plan (SIP) attainment and maintenance plans, and to ensure that future air quality reaches and continues to achieve these health-based standards. In addition mobile sources are a major contributor to air toxics such as benzene and greenhouse gases such as carbon dioxide. The Department finds that the Zero Emissions Vehicle program will result in significant reductions of volatile organic compounds, air toxics, and carbon dioxide.

In addition to the Basis Statement above, the Department has filed with the Secretary of State its responses to comments received during the comment period.

**BASIS STATEMENT FOR AMENDMENTS FOR JULY 21, 2005**

On October 7, 2004 the Board of Environmental Protection (Board) held a public hearing on proposed amendments to Chapter 127 that would reinstate the Zero Emission Vehicle program. On December 2,

2004 the Board provisionally adopted the amendments to Chapter 127 pursuant to 38 MRSA Section 585-D, which states that “any rule adopted by the board containing a zero-emission vehicle mandate is a major substantive rule pursuant to Title 5, chapter 375, subchapter II-A.”

On May 31, 2005 Governor John Baldacci signed into law LD 1465, “A Resolve, Regarding Legislative Review of Portions of Chapter 127: New Motor Vehicle Emission Standards, a Major Substantive Rule of the Bureau of Air Quality” (emergency). The Resolve authorized the final adoption of portions of Chapter 127. However, at the Department’s recommendation, the legislature amended the provisionally adopted Chapter 127 to include provisions to allow automobile manufacturers “ramp-up” credits. This provision allows automobile manufacturers to establish credits in Maine for placement of vehicles in California (proportional to the vehicle sales in Maine).

### **BASIS STATEMENT FOR AMENDMENTS OF DECEMBER 1, 2005**

The purpose of this rulemaking is to amend Chapter 127 to reflect changes to California’s LEV II program that are incorporating motor vehicle greenhouse gas (GHG) emission standards commencing with the 2009 model year for passenger cars, light duty trucks and medium-duty passenger vehicles, and maintain identical standards with California for all vehicle weight classes as required by Section 177 of the federal Clean Air Act.

Motor vehicle emissions account for approximately 25% of total anthropogenic GHG emissions in the Northeast. The most recent GHG Inventory for Maine shows that transportation accounted almost half of our state’s total CO<sub>2</sub> emissions. Motor vehicle miles traveled are predicted to increase representing the fastest growing portion of the region’s overall GHG inventory. Maine, together with other New England states and Canadian Provinces, has committed to reduce its GHG emissions to 1990 levels by 2010, and 10 percent below that by 2020. During development of the Maine Climate Action plan, the stakeholders’ process determined that per capita GHG emission from motor vehicles in Maine exceeds the national average and every other New England State. In the Maine Climate Action Plan, this program is the number one recommendation from the Transportation and Land Use working group, and the number two overall recommendations to meet Maine’s GHG reduction targets.

The emission reductions could be achieved using existing and emerging advanced technology such as cam phasing; variable valve timing and lift; turbo or super-charging modification; cylinder deactivation; gasoline direct injection; improved multi-speed transmissions; and more efficient, low-leak air conditioning. The technologies explored are currently used on some vehicle models or have been demonstrated by auto companies in at least prototype form.

The standards phase in beginning with 2009 model year through 2016, allowing changes to be made as part of the product improvement cycle. The standards are based on the manufacturer with the greatest average weight so all models can comply, even the largest SUVs. This ensured that all manufacturers can comply with the standards without resorting to weight reduction or altering their fleet mix. The regulation allows significant flexibility for manufacturers to average emissions across their vehicle models, bank excess credits for later use and trade credits in order to meet the GHG emission standards.

Transportation is Maine’s single largest and fastest growing source of greenhouse gasses. Adoption of this regulation is the only currently available policy option that can substantially reduce emissions from this sector and help Maine meet its commitment to reducing greenhouse gas emissions.

In addition to the Basis Statement above, the Department has filed with the Secretary of State its responses to comments received during the comment period.

**BASIS STATEMENT FOR AMENDMENTS OF APRIL 16, 2009**

The purpose of this rulemaking is to amend Chapter 127 to reflect changes to California's LEV II program in accordance with Section 177 of the Clean Air Act. CARB has revised its ZEV program to better align the program requirements with the status of current technology development. The program modifications introduced significant flexibility into the ZEV sales requirement and broadened the scope of vehicles that can qualify for meeting some portion of the ZEV sales requirement. CARB modified the ZEV program to address the state of technologies available to meet the regulation and create incentives for new vehicle designs. The most significant amendments pertain to model years 2012-2017, while 2009-2011 requirements remain largely unchanged. The amendments require commercialization of pure ZEV technologies while recognizing the technological limitations and costs of current vehicles. The amendment is expected to reduce the cost of compliance by the auto manufacturers by reducing the number of vehicles incorporating the most expensive technologies (fuel cell and battery EVs).

The proposed amendments to Chapter 127 also require new cars beginning with the 2010 model year display California's new environmental performance label which scores a vehicle's global warming and smog emissions from 1-10 with the highest score being the cleanest vehicle options.

And lastly the proposed amendments include California's new in-use vehicle requirements for 2008 and subsequent model year heavy-duty diesel engines which require an engine automatic shutdown system or certification to meet an optional NOx idling emission standard of 30 grams per hour. In addition, all diesel-fueled auxiliary power units and heaters installed on vehicles certified to 2007 and subsequent model year heavy-duty diesel engine standards be certified to meet California emission standards.

In addition to the Basis Statement above, the Department has filed with the Secretary of State its responses to comments received during the comment period.

**BASIS STATEMENT FOR AMENDMENTS OF JUNE 2012**

California certification requires a diesel fueled APU be equipped with a diesel particulate filter to reduce up to 80% of the diesel particulate matter. However, this requirement is becoming a financial burden on some diesel truck owners in that a CA certified APU costs up to \$3,000 more per unit than the Federal Tier 4 certified APU. APUs are used by diesel truck owners who need to have continuous power to their vehicle even while resting. Rather than idle the main truck engine, the APU is engaged and allows the driver to run various other equipment or systems such as a refrigerator unit, heating or air conditioning in a sleeper truck. In order to provide diesel truck owners the flexibility to install an APU to help reduce diesel truck idling, the Department is amending the regulation to allow the truck owner to install either a CA certified APU or a Federal Tier 4 certified APU.

In addition to the Basis Statement above, the Department has filed with the Secretary of State its responses to comments received during the comment period.

**BASIS STATEMENT FOR AMENDMENTS OF DECEMBER 2012**

The amendments incorporate revisions to the low emission vehicle (LEV III) and greenhouse gas (GHG) emission standards, zero emission vehicle (ZEV) sales requirements, the environmental performance label, and new aftermarket and used catalytic converter requirements that have been adopted by the California Air Resources Board (CARB) as part of the LEV program. Adoption of the LEV III



amendments is required to remain consistent with California's vehicle emission standard regulations and to comply with Section 177 of the Clean Air Act's identity requirement.

Beginning with 2015 model year, LEV III criteria pollutant emission standards will reduce fleet average NMOG + NO<sub>x</sub> to achieve super ultra-low emission vehicle (SULEV) standards from new vehicles by model year 2022. The amendments will increase the stringency of the particulate matter standards; increase the durability requirements; increase the stringency and coverage of the evaporative emission standards; and allow manufacturers to demonstrate compliance with the fleet average NMOG plus NO<sub>x</sub> standard based on new vehicles delivered for sale in California and all Section 177 states.

Chapter 127 is revised to incorporate California's amendments to the ZEV Program beginning with 2012 model year. The amendments will adopt the ZEV requirements and credit mechanisms identical to California which create new ZEV types and extend the travel provision. The amendments provide compliance flexibility and allow the auto manufacturers to choose an optional Section 177 state compliance path.

Finally, California's LEV III amendments include extending the greenhouse gas standards for all new vehicles up to 10,000 pounds from 2017 through 2025 model years. The amendments harmonize with the federal program creating a National Program which ensures that the auto manufacturers can build a single fleet of vehicles that comply with both the federal and California programs. This National Program is projected to result in an average industry fleet wide standard of 163 grams per mile of carbon dioxide in model year 2025 which is equivalent to 54.5 miles per gallon if achieved exclusively through fuel economy improvements.

#### **BASIS STATEMENT FOR AMENDMENTS OF AUGUST 2013**

The purpose of this rulemaking is to delay the effective date of California's aftermarket catalytic converter requirements to June 1, 2015. The CARB standards for new aftermarket catalytic converters are more robust which are based on meeting the vehicle certification tailpipe emission levels for 50,000 miles. California adopted these requirements in October 2007 with a January 1, 2009 effective date. These requirements prohibit installing used catalytic converters and require that new aftermarket catalytic converters be certified by California Air Resources Board (CARB) for installation on vehicles certified to the California emission standards. This regulation would apply to passenger, light and medium duty-vehicles that are certified to the California emission standards after the warranty for the original equipment has expired. The purpose for delaying the effective date to June 1, 2015 is to allow more time for manufacturers to comply and for other states in the region to adopt these requirements. Some manufacturers have not certified their product to meet the CARB standards and therefore have insufficient inventory to meet the needs of the vehicle population in the northeast.

#### **BASIS STATEMENT FOR AMENDMENTS OF FEBRUARY 2015**

The purpose of this rulemaking is to delay the effective date to June 1, 2018 for requiring new aftermarket catalytic converters installed in Maine be certified by California Air Resources Board (CARB). This regulation would apply to passenger, light and medium duty-vehicles that are certified to the California emission standards after the warranty for the original equipment has expired. The purpose for further delaying the effective date to June 1, 2018 is to allow more time for manufacturers to comply and for other states in the region to adopt these requirements. States in the Ozone Transport Region have asked EPA to adopt the CARB aftermarket catalytic converter standards. The Ozone Transport Region Committee has also drafted the state Model Rule for Sale of Aftermarket Catalytic Converters based on

California's program. Additional time will allow these provisions to be adopted with a more uniform implementation process across the region.

**Appendix A**

Title 13 CCR	Title	Section Effective Date
Chapter 1	Motor Vehicle Pollution Control Devices.	
Article 1	General Provisions.	
1900	Definitions.	8/7/12
Article 2	Approval of Motor Vehicle Pollution Control Devices (New Vehicles).	
1956.8	Exhaust Emissions Standards and Test Procedures — 1985 and Subsequent Model Heavy-Duty Engines and Vehicles.	8/7/12
1960.1	Exhaust Emissions Standards and Test Procedures — 1981 and through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles.	8/7/12
1960.5	Certification of 1983 and Subsequent Model-Year Federally Certified Light-Duty Motor Vehicles for sale in California.	10/16/02
1961	Exhaust Emission Standards and Test Procedures – 2004 through 2019 Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.	8/7/12
1961.1	Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2009 through 2016 Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles	8/7/12
1961.2	Exhaust Emission Standards and Test Procedures - 2015 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.	8/7/12
1961.3	Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.	8/8/12
1962	Zero Emission Vehicle Standards for 2005 through 2008 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles.	2/13/10
1962.1	Zero-Emission Vehicle Standards for 2009 through 2017 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles	8/7/12
1962.2	Zero-Emission Vehicle Standards for 2018 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.	8/7/12
1962.3	Electric Vehicle Charging Requirements	8/7/12
1965	Emission Control and Smog Index, and Environmental Performance Labels — 1979 and Subsequent Model-Year Motor Vehicles.	8/7/12
1968.1	Malfunction and Diagnostic System Requirements — 1994 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Engines.	11/27/99

1968.2	Malfunction and Diagnostic System Requirements – 2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks and Medium Duty Vehicles and Engines.	8/7/12
1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions.	8/7/12
1978	Standards and Test Procedures for Vehicle Refueling Emissions.	8/7/12

Title 13 CCR	Title	Section Amended Date
Article 6	Emission Control System Warranty.	
2035	Purpose, Applicability, and Definitions.	11/09/07
2036	Defects Warranty Requirements for 1979 Through 1989 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles; 1979 and Subsequent Model Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles.	5/15/99
2037	Defects Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, and Motor Vehicle Engines Used in Such Vehicles.	8/7/12
2038	Performance Warranty for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles.	8/7/12
2039	Emissions Control System Warranty Statement.	12/26/90
2040	Vehicle Owner Obligations.	12/26/90
2046	Defective Catalyst.	1/16/79
Article 7.	Procedures for Certifying Used Modifier-Certified Motor Vehicles and Licensing Requirements for Vehicle Emission Test Laboratories.	
2047	Certification Procedures for Used Modifier-Certified Motor Vehicles.	5/31/88
Chapter 2	Enforcement of Vehicle Emission Standards and Surveillance Testing.	
Article 1	Assembly-Line Testing.	
2062	Assembly-Line Test Procedures - 1998 and Subsequent Model-years.	8/7/12
Article 1.5	Enforcement of Vehicle Emission Standards and Surveillance Testing for 2005 and Subsequent Model-year Heavy-Duty Engines and Vehicles.	
2065	Applicability of Chapter 2 to 2005 and Subsequent Model-year Heavy-Duty Engines and Vehicles.	12/4/03



Title 13 CCR	Title	Section Amended Date
Article 2	Enforcement of New and In-Use Vehicle Standards.	
2101	Compliance Testing and Inspection — New Vehicle Selection, Evaluation and Enforcement Action.	11/27/99
2109	New Vehicle Recall Provisions.	11/30/83
2110	Remedial Action for Assembly-Line Quality Audit Testing of Less Than a Full Calendar Quarter of Production Prior to the 2001 Model-year.	11/27/99
Article 2.1	Procedures for In-Use Vehicle Voluntary and Influenced Recalls.	
2111	Applicability.	12/8/10
2112	Definitions.	8/7/12
	Appendix A to Article 2.1. (located under 2112)	8/7/12
2113	Initiation and Approval of Voluntary and Influenced Emission-Related Recalls.	1/26/95
2114	Voluntary and Influenced Recall Plans.	11/27/99
2115	Eligibility for Repair.	1/26/95
2116	Repair Label.	1/26/95
2117	Proof of Correction Certificate.	1/26/95
2118	Notification.	1/26/95
2119	Recordkeeping and Reporting Requirements.	11/27/99
2120	Other Requirements Not Waived.	1/26/95
2121	Penalties.	1/26/95
Article 2.2	Procedures for In-Use Vehicle Ordered Recalls.	
2122	General Provisions.	12/8/10
2123	Initiation and Notification of Ordered Emission-Related Recalls.	1/26/95
2124	Availability of Public Hearing.	1/26/95
2125	Ordered Recall Plan.	1/26/95
2126	Approval and Implementation of Recall Plan.	1/26/95
2127	Notification of Owners.	1/26/95
2128	Repair Label.	1/26/95
2129	Proof of Correction Certificate.	1/26/95
2130	Capture Rates and Alternative Measures.	11/27/99
2131	Preliminary Tests.	1/26/95
2132	Communication with Repair Personnel.	1/26/95
2133	Recordkeeping and Reporting Requirements.	1/26/95
2135	Extension of Time.	1/26/95

Title 13 CCR	Title	Section Amended Date
Article 2.3.	In-Use Vehicle Enforcement Test Procedures.	
2136	General Provisions.	12/8/10
2137	Vehicle Selection.	12/28/00
2138	Restorative Maintenance.	11/27/99
2139	Testing.	8/7/12
2140	Notification and Use of Test Results.	8/7/12
Article 2.4	Procedures for Reporting Failure of Emission-Related Components.	
2141	General Provisions.	12/8/10
2142	Alternative Procedures.	02/23/90
2143	Failure Levels Triggering Recall.	11/27/99
2144	Emission Warranty Information Report.	11/27/99
2145	Field Information Report.	8/7/12
2146	Emissions Information Report.	11/27/99
2147	Demonstration of Compliance with Emission Standards.	8/7/12
2148	Evaluation of Need for Recall.	11/27/99
2149	Notification of Subsequent Action.	2/23/90
Chapter 4	Criteria for the Evaluation of Motor Vehicle Pollution Control Devices and Fuel Additives	
Article 2	Aftermarket Parts	
2221	Replacement Parts	11/30/83
2222	Add-On Parts and Modified Parts	10/1/09
2224	Surveillance	8/16/90
Chapter 4.4	Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks	
2235	Requirements.	8/8/12
Chapter 10	Mobile Source Operational Controls	
Article 1	Motor Vehicles	
2485(c)(3)	Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling	12/3/09



**Chapter 127: NEW MOTOR VEHICLE EMISSION STANDARDS**

SUMMARY: This regulation establishes motor vehicle emission standards for new passenger cars, light duty trucks, medium duty vehicles, and heavy-duty diesel vehicles.

**1. Scope/Applicability**

- A.** This regulation applies statewide.
- B.** This regulation applies to:
  - (1) Any 2001 and subsequent model-year passenger cars, light duty trucks or 2003 and subsequent model-year medium-duty vehicles, and 2005 and 2006 model-year heavy-duty diesel engines and vehicles.
  - (2) All 2008 and subsequent model year heavy duty diesel engines and vehicles.
  - (3) Beginning with Model Year 2009, manufacturers must meet the Zero Emissions Vehicle sales requirement.
  - (4) Beginning with Model Year 2009, manufacturers must meet the greenhouse gas emission standards for passenger cars, light-duty and medium duty passenger vehicles.

**2. Definitions**

- A. Add-on part.** "Add-on part" means any aftermarket part which is not a modified part or a replacement part.
- B. Aftermarket part.** "Aftermarket part" means any part of a motor vehicle emission control system sold for installation on a vehicle after the original retail sale of the vehicle.
- C. Auxiliary Power System.** "Auxiliary Power System" or APS means any device that is permanently dedicated to the vehicle on which it is installed and provides electrical, mechanical, or thermal energy to the primary diesel engine, truck cab and/or sleeper berth, bus's passenger compartment or any other commercial vehicle's cab, as an alternative to idling the primary diesel engine.
- D. California-certified.** "California-certified" means having a valid executive order and approved by CARB for sale in California.
- E. CARB.** "CARB" means the California Air Resources Board.
- F. Consolidated part.** "Consolidated part" means a part which is designed to replace a group of original equipment parts.
- G. Dealer.** "Dealer" means any person engaged in the business of selling, offering to sell, soliciting or advertising the sale of new vehicles who holds a valid sales and service agreement, franchise or contract, granted by the manufacturer or distributor for the retail sale of said manufacturer's or distributor's new vehicles.

- H. Delivered for sale.** "Delivered for sale" means delivered for sale or for lease in Maine.
- I. Emergency vehicle.** "Emergency vehicle" means any authorized vehicle publicly owned and operated that is used by a peace officer, used for fighting fires or responding to emergency fire calls, used by emergency medical technicians or paramedics, used for towing or servicing other vehicles, used for repairing damaged lighting or electrical equipment.
- J. Emission Control Labels.** "Emission Control Labels" means a paper, plastic, metal or other permanent material, welded, riveted or otherwise permanently attached to an area within the engine compartment (if any) or to the engine in such a way that it will be visible to the average person after installation of the engine in all new vehicles certified for sale in California, in accordance with Title 13, California Code of Regulations, Section 1965.
- K. Environmental Performance Label.** "Environmental Performance Label" means a paper or plastic decal securely affixed by the manufacturer to a window of all passenger cars, light-duty trucks, and medium-duty passenger vehicles which disclose the global warming and smog score for the vehicle in accordance with Title 13, California Code of Regulations, Section 1965.
- L. Emissions-related part.** "Emissions-related part" means any automotive part, which affects any regulated emissions from a motor vehicle which is subject to California or federal emission standards. This includes, at a minimum those parts specified in the "Emissions-Related Parts List," adopted by the California Air Resources Board.
- M. Federal Fuel Economy and Environmental Label.** "Federal Fuel Economy and Environmental Label" means a Federal Label that is affixed by the manufacturer to a window on all 2013 (optionally in 2012) and subsequent model year passenger cars, light-duty trucks, and medium-duty passenger vehicles and is compliant with the federal Fuel Economy and Environmental Label published in 40 CFR Parts 85, 86 and 600 as promulgated on July 6, 2011."
- N. Fleet average emission.** "Fleet average emission" means a vehicle manufacturer's average vehicle emissions of all greenhouse gases, non-methane organic gases (NMOG), or NMOG plus oxides of nitrogen (NOx), as applicable, from all new vehicles delivered for sale or lease to Maine in any applicable model-year based on the calculation in Title 13 California Code of Regulations, Sections 1960.1(g)(2), 1961, 1961.1, or 1961.3
- O. Greenhouse gas.** "Greenhouse gas" means the following gases: carbon dioxide, methane, nitrous oxide and hydrofluorocarbons.
- P. Greenhouse gas vehicle test group.** "Greenhouse gas vehicle test group" means vehicles that have an identical test group, vehicle make and model, transmission class and driveline, aspiration method (e.g., naturally aspirated, turbocharged), camshaft configuration, valvetrain configuration, and inertia weight class as defined in Title 13 California Code of Regulations, Section 1961.1.
- Q. Heavy-duty engine.** "Heavy-duty engine" means an engine that is used to propel a heavy-duty vehicle. e
- R. Heavy-duty motor vehicle.** "Heavy-duty motor vehicle" means a motor vehicle with a gross vehicle weight rating greater than 6,000 pounds, except passenger cars.

- S. Independent low volume manufacturer.** “Independent low volume manufacturer” means a manufacturer with California annual sales of less than 10,000 new passenger cars, light-duty trucks and medium-duty vehicles following aggregation of sales as defined in Title 13 California Code of Regulations, Section 1900 (b)(8).
- T. Intermediate volume manufacturer.** “Intermediate volume manufacturer” means any pre-2001 model year manufacturer with California sales between 3,001 and 60,000 new light- and medium-duty vehicles per model year based on the average number of vehicles sold by the manufacturer each model year from 1989 to 1993; any 2001 through 2002 model year manufacturer with California sales between 4,501 and 60,000 new light- and medium-duty vehicles per model year based on the average number of vehicles sold by the manufacturer each model year from 1989 to 1993; any 2003 through 2017 model year manufacturer with California sales between 4,501 and 60,000 new light- and medium-duty vehicles based on the average number of vehicles sold for the three previous consecutive model years for which a manufacturer seeks certification; and any 2018 and subsequent model year manufacturer with California sales between 4,501 and 20,000 new light- and medium-duty vehicles based on the average number of vehicles sold for the three previous consecutive model years for which a manufacturer seeks certification as defined in Title 13, California Code of Regulations, Section 1900.
- U. Large volume manufacturer.** “Large volume manufacturer” means “any 2000 and subsequent model year manufacturer that is not a small volume manufacturer, or an independent low volume manufacturer, or an intermediate volume manufacturer.
- V. Light-duty truck.** “Light-duty truck” means any 2000 and subsequent model vehicle certified to standards in Title 13, California Code of Regulations Section 1961(a) (1) rated at 8500 pounds gross vehicle weight or less, and any other vehicle rated at 6000 pounds gross vehicle weight or less, which is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.
- W. Lease.** “Lease” means any commercial transaction recognized under the laws of this State as a means of creating a right to use a good and includes renting. It also includes offering to rent or lease.
- X. Manufacturer.** “Manufacturer” means any small, independent low volume, intermediate or large volume vehicle manufacturer as defined in Title 13, California Code of Regulations Section 1900.
- Y. Medium duty passenger vehicle.** “Medium duty passenger vehicle” means any medium-duty vehicle with a gross vehicle weight rating of less than 10,000 pounds that is designed primarily for the transportation of persons. The medium-duty passenger vehicle definition does not include any vehicle which: (1) is an “incomplete truck”, i.e., a truck that does not have the primary load carrying device or container attached; or (2) has a seating capacity of more than 12 persons; or (3) is designed for more than 9 persons in seating rearward of the driver’s seat; or (4) is equipped with an open cargo area of 72.0 inches in interior length or more. A covered box not readily accessible from the passenger compartment will be considered an open cargo area, for purposes of this definition.
- Z. Medium-duty vehicle.** “Medium-duty vehicle” means any 2003 through 2006 model year heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in Title 13 California Code of Regulations, Sections 1956.8(g) or (h) or 1960.1(h)(2), having a manufacturer’s gross vehicle weight rating of 14,000 lbs. or less; any 2003

heavy-duty vehicle certified to the standards in Title 13 California Code of Regulations, Sections 1960.1(h)(1), 1956.8(g) or (h) having a manufacturer's gross vehicle weight rating of 14,000 lbs. or less; and any 2003 and subsequent model heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in Title 13 California Code of Regulations, Sections 1956.8 (c), (g) or (h), 1961(a)(1), 1962, or 1962.1 having a manufacturer's gross vehicle weight rating between 8,501 and 14,000 lbs.

**AA. Model-year.** "Model-year" means the manufacturer's annual production period for each engine family which includes January 1 of a calendar year or, if the manufacturer has no annual production period, the calendar year. In the case of any motor vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.

**BB. Modified part.** "Modified part" means any aftermarket part intended to replace an original equipment emissions-related part and which is not functionally identical to the original equipment part in all respects which in any way affect emissions, excluding a consolidated part.

**CC. New motor vehicle.** "New Motor Vehicle" means any passenger car, light-duty truck or 2003 and subsequent model-year medium-duty vehicle and 2005 and subsequent model-year heavy-duty engines and vehicles with 7,500 miles or fewer on its odometer.

**DD. New motor vehicle engine.** "New motor vehicle engine" means a new engine in a motor vehicle.

**EE. Passenger car.** "Passenger car" means any motor vehicle designed with a capability for transportation of human beings and having a design capacity of twelve individuals or less.

**FF. Recall.** "Recall" means:

- (1) A manufacturer's issuing of notices directly to consumers that vehicles in their possession or control should be corrected; and/or
- (2) A manufacturer's efforts to actively locate and correct vehicles in the possession or control of consumers.

**GG. Replacement part.** "Replacement part" means any aftermarket part which is intended to replace an original equipment emissions-related part and which is functionally identical to the original equipment part in all respects which in any way affect emissions (including durability), or a consolidated part.

**HH. Sell.** "Sell" means any commercial vehicles transaction recognized under the laws of this State as a means of transferring ownership of a good and includes barter. It also includes offering for sale.

**II. Small volume manufacturer.** "Small volume manufacturer" means "with respect to the 2001 and subsequent model-years, a manufacturer with California sales less than 4,500 new passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles and heavy-duty engines based on the average number of vehicles sold for the three previous consecutive model years for which a manufacturer seeks certification as a small volume manufacturer as defined in Title 13, California Code of Regulations, Section 1900.

**JJ. Smog Index Label.** “Smog Index Label” means a decal securely affixed by the manufacturer to a window of all passenger cars and light-duty trucks which discloses the smog index for the vehicle in accordance with Title 13, California Code of Regulations Section 1965.

**KK. Type 0, I, I.5, II, III, IV, and V ZEVs.** “Type 0, I, I.5, II, III, IV, and V ZEVs” means “Type 0, I, I.5, II, III, IV, and V zero emission fuel cell or battery electric vehicles as defined in Title 13, California Code of Regulations, Section 1962.1(d)(5)(A).

**LL. VECs.** “VECs” means vehicle equivalent credits.

**MM. ZEV--Zero-Emission Vehicle.** “Zero emission vehicle” means any motor vehicle any passenger car, light-duty truck, or medium duty vehicle certified to the zero emission vehicle standards in Title 13 CCR 1962, 1962.1, and 1962.2.

### 3. Incorporation by Reference

This chapter incorporates by reference certain sections of Title 13, California Code of Regulations. Appendix A lists the sections of Title 13, California Code of Regulations incorporated by reference and the respective amended date for each section. The sections of Title 13, California Code of Regulations incorporated by reference in this chapter are the version of the section adopted as of the amended date in Appendix A. For purposes of applying the incorporated sections of the California Code of Regulations, unless clearly inappropriate, “California” shall mean “Maine”. Copies of the incorporated material are available from the Department by calling 207-287-2437.

### 4. Prohibitions

**A. New Vehicle Emission Requirements.** No person, including a manufacturer or dealer, shall deliver for sale or lease, offer for sale or lease, sell or lease, import, or rent a new vehicle that is a 2001 and subsequent model-year passenger car or light-duty truck or 2003 and subsequent model-year medium-duty vehicle, unless the vehicle or engine is California-certified and complies with the following criteria:

- (1) The exhaust emissions standards in Title 13, California Code of Regulations Sections 1956.8 (c),(g) or (h), 1960.1, 1961.1, 1961.2, 1961.3, 1962, 1962.1 or 1962.2; and
- (2) The emission control label requirements, the smog index label requirements for 2002 through 2009 model-years, and the Environmental Performance Label or a Federal Fuel Economy and Environmental Label securely affixed to a window of the vehicle for 2010 and subsequent model-years in accordance with Title 13, California Code of Regulations Section 1965. No motor vehicle dealer in Maine shall remove or cause removal of an Environmental Performance Label or a Federal Fuel Economy and Environmental Label affixed to any motor vehicle subject prior to the sale or lease of the vehicle.
- (3) The evaporative emissions standards in Title 13, California Code of Regulations Section 1976;
- (4) The refueling emissions standards in Title 13, California Code of Regulations Section 1978;



- (5) The malfunction and diagnostic system requirements in Title 13, California Code of Regulations Section 1968.1;
- (6) The assembly-line testing procedure requirements in Title 13, California Code of Regulations Section 2062; and
- (7) The specifications for fill pipes and openings of motor vehicle fuel tanks in Title 13, California Code of Regulations Section 2235.

**B. New Heavy-Duty Diesel Vehicle Requirements.** No person, including a manufacturer or dealer, shall deliver for sale or lease, offer for sale or lease, sell or lease, import, or rent a 2005 or 2006 and 2008 and subsequent model-year heavy-duty diesel engine, a new motor vehicle equipped with a 2005 or 2006 and 2008 and subsequent model-year heavy-duty diesel engine, or a motor vehicle with a new 2005 or 2006 and 2008 and subsequent model-year heavy-duty diesel engine, unless the vehicle and engine are California-certified and complies with the following criteria:

- (1) The exhaust emissions standards in Title 13, California Code of Regulations Section 1956.8.
- (2) Any diesel fueled auxiliary power system installed on a vehicle certified with a 2007 and subsequent model year heavy duty diesel engine must be California certified and comply with the requirements specified in Title 13 California Code of Regulations Section 2485(c)(3) or meet EPA's Tier 4 standards pursuant to 40 CFR Part 1039 (last amended July 13, 2005).

**C. Zero Emission Vehicle Requirements.** Beginning with the 2009 model year, each manufacturer's sales fleet of passenger cars (PCs), light-duty truck 1 (LDT1), and light-duty truck 2 (LDT2) vehicles as applicable, produced and delivered for sale in the State of Maine shall contain at least the same percentage of ZEVs subject to the requirements, including credit and banking provisions, set forth in the Title 13 California Code of Regulations, Section 1962.1 and 1962.2 using Maine specific vehicle numbers.

**D. Alternative Zero Emission Vehicle Compliance.** As an alternative means of compliance with the requirements of Section 4(C), an automobile manufacturer may instead opt to utilize the following alternative compliance mechanisms. If a manufacturer opts to utilize the alternative compliance mechanisms, such manufacturer shall notify the commissioner in writing by October 1, 2005.

- (1) A manufacturer may earn Maine ZEV credits for the introduction into Maine of PZEVs, AT PZEVs, and ZEVs beginning with 2004 model year provided that:
  - (a) The vehicle credit values for this alternative compliance path shall be the same as the Title 13 California Code of Regulations, Section 1962.
  - (b) After the credit value for a 2004 through 2008 model year vehicle is established by CARB pursuant to Title 13 California Code of Regulations, Section 1962, a Maine multiplier will be applied to such credit value for that vehicle in accordance with Table 1. The Maine multiplier shall not be applied to all ZEV Types that qualify for the travel provision as identified in the Title 13 California Code of Regulations, Section 1962(d)(5)(D).

Table 1, Maine Multiplier



Model Year	Requirement	PZEV Credit Multiplier	AT PZEV Credit Multiplier	ZEV Credit Multiplier
2004	Voluntary Early Introduction	1.5	2.25	3
2005	Voluntary Early Introduction	1.5	2.25	3
2006	Voluntary Early Introduction	1.3	1.7	2
2007	Voluntary Early Introduction	1.15	1.3	1.5
2008	Voluntary Early Introduction	1.15	1.3	1.5
2009	Equivalency with California Program	1	1	1

- (c) Maine ZEV credit use, life, banking and trading will be calculated as per California Code of Regulations, Title 13, Sections 1962 or 1962.1.
- (d) The commissioner shall calculate the amount of credits earned based on the report received pursuant to Section 8(B) (3). The commissioner shall establish ZEV compliance accounts for each manufacturer and allocate the credits earned to such compliance accounts, including separate accounts for PZEV, AT-PZEV, Enhanced AT-PZEV, NEV, Types 0, I, I.5 II, III, IV and V ZEVs, transportation systems, and extended service. For each account, in the event that the number of credits earned pursuant to this subsection is less than the number of credits that would have been awarded to a manufacturer under Section 4(D)(2), the commissioner shall calculate the difference and apply a number of credits equal to such difference to such manufacturer's compliance account.
- (e) A manufacturer shall be entitled to the defined credits for all ZEV Types as specified in the travel provisions pursuant to the California Code of Regulations, Title 13, Sections 1962(d)(5)(D) or 1962.1(d)(5)(E). Starting with 2010 and subsequent model years, qualifying ZEV Types placed in service in California or any Section 177 State may be counted towards compliance in California and in all Section 177 States provided that the credits are multiplied by the ratio of a LVM's production volume in a Section 177 State for the same model year in California as specified in Title 13 California Code of Regulations, Sections 1962.1(d)(5)(E).
- (2) The commissioner shall set aside a number of Maine ZEV credits proportionally equivalent to the number of ZEV credits possessed by the requesting manufacturer, for use in the State of California at the beginning of the 2009 model year. This transfer will be performed only after all credit obligations for model years 2008 and earlier have been satisfied in California. The manufacturer's California credit balances shall be multiplied by the ratio of the average number of PCs, LDT1, and LDT2 vehicles as applicable, produced and delivered for sale in Maine to the combined average number of PCs, LDT1, and LDT2 vehicles as applicable produced and delivered for sale in California in model years 2003 through 2005 or, alternatively, by the ratio of PCs, LDT1, and LD2 vehicles produced and delivered for sale in Maine to the combined number of PCs, LDT1s, and LDT2 vehicles as applicable, produced

and delivered for sale in California in model year 2009. In either case, the time period used to determine the credit transfer ratio will also be used to determine model year 2009 ZEV sales requirements in Maine.

The commissioner shall establish ZEV compliance accounts for each manufacturer and allocate the credits calculated under this section 4(D)(2) to such compliance accounts, including separate accounts for PZEV, AT-PZEV, Enhanced ATPZEV, NEV, Type 0 ZEVs, Type I ZEVs, Type I.5 ZEVs, Type II ZEVs, Type III ZEVs, Type IV ZEVs, Type V ZEVs, transportation systems, and extended service. The commissioner shall notify such manufacturer of the number of ZEV credits available for use by July 31, 2009 and annually thereafter. Credits issued pursuant to this subsection may only be used in Maine for compliance with the ZEV provisions of section 4(C) subject to the same requirements and limitations on credit use set forth in the Title 13 California Code of Regulations, Section 1962.1 adjusted for Maine specific vehicle numbers.

A manufacturer shall be entitled to the defined credits for all ZEV Types as specified in the travel provisions pursuant to the California Code of Regulations, Title 13, Sections 1962(d)(5)(D) or 1962.1(d)(5)(E). Furthermore, each manufacturer operating under this compliance path shall:

- (a) By May 1, 2009, provide the commissioner with the total number of PCs, LDT1, and LDT2 vehicles as applicable, produced and delivered for sale in Maine and California for 2003 through 2005 model years.

Alternatively, by May 1, 2009, provide the commissioner with the total projected number of PCs, LDT1 and LDT2 vehicles to be produced and delivered for sale in Maine and California in model year 2009. By March 1, 2010, provide the commissioner with actual 2009 model year PCs, LDT1 and LDT2 vehicles produced and delivered for sale in Maine and California. The commissioner shall adjust and notify such manufacturer of the number of ZEV credits established based on actual 2009 model year data by May 31, 2010.

- (b) By May 1, 2009, provide the commissioner with the total number of banked California credits after all 2008 model year and earlier obligations have been met.
- (c) Starting with model year 2009-2011, make available for purchase or lease in Maine any PZEV, AT-PZEV, Enhanced ATPZEV, and ZEV models, except all ZEVs that qualify for the travel provision pursuant to Title 13 California Code of Regulations, Section 1962.
- (3) Any manufacturer who fails to meet the requirements of its respective alternative compliance path shall be subject to full compliance with the ZEV mandate provisions set forth in Section 4(C).

**E. New Vehicle Greenhouse Gas Emission Requirements.** No person, including a manufacturer or dealer, shall deliver for sale or lease, offer for sale or lease, sell or lease, import or rent a new passenger car, medium duty passenger vehicle or light-duty truck, unless that new vehicle complies:

- (1) Effective with 2009 through 2016 with the greenhouse gas emission limits set for the in the Title 13 California Code of Regulations, Section 1961.1, as incorporated in Appendix A.

- (2) Effective for 2017 and subsequent model years with the greenhouse gas emission limits set in the Title 13 California Code of Regulations, Section 1961.3.

**F. Exemptions.** The following new vehicles shall not be subject to this Chapter:

- (1) An emergency vehicle;
- (2) A vehicle with a right-hand drive configuration that is not available in a California-certified model, purchased by a rural route postal carrier and used primarily for work;
- (3) A vehicle designed exclusively for off-road use;
- (4) A vehicle certified to standards promulgated pursuant to the authority contained in 42 U.S.C. Section 7521 and which is in the possession of a rental agency in Maine and is next rented with a final destination outside of Maine;
- (5) A vehicle which is a 2005 or 2006 and 2008 and subsequent model-year heavy-duty diesel- as defined under exempt vehicles in Title 13, California Code of Regulations, Section 1956.8 (a)(6)(B);
- (6) A vehicle with an engine that the California Air Resources Board determines, following a technology review, is inappropriate to require compliance for heavy-duty diesel engines of that particular model-year and engine family; or
- (7) A vehicle which is a military tactical vehicle or equipment.

**5. Warranty**

For all 2004 and subsequent model-year California-certified vehicles delivered for sale to Maine, each manufacturer shall provide a warranty for the ultimate purchaser and each subsequent purchaser that complies with the requirements of Title 13, California Code of Regulations, Sections 2035 through 2040 and 2046.

**6. Recall**

For all 2001 and subsequent model-year California-certified vehicles registered in Maine, each manufacturer shall undertake an action equivalent to that which is required by any order or enforcement action taken by CARB, or any voluntary or influenced emission related recall initiated by any manufacturer pursuant to Title 13, California Code of Regulations Sections 2109 through 2133, and 2135 through 2149, unless within 10 days of CARB approval of said recall, the manufacturer demonstrates to the Department that such recall is not applicable to vehicles registered in Maine. Each manufacturer must send to owners of Maine registered California-certified vehicles the same notice that is used for California owners required by Title 13, California Code of Regulations Sections 2118 or 2127.

**7. Manufacturer Fleet Requirements**

- A.** Each manufacturer shall meet the following fleet requirements for the number of vehicles delivered for sale or lease in Maine.

- (1) Effective for 2004 and through 2014 model years, each manufacturer shall comply with the fleet average NMOG emission requirements and LEV II phase-in requirements for passenger cars and light-duty trucks and, for 2001 and subsequent model-years, may earn and bank NMOG credits, both in accordance with Title 13, California Code of Regulations Section 1961, except NMOG credits earned prior to model-year 2003 shall be treated as though they were earned in model-year 2003.
- (2) Effective for 2005 through 2014 model years, each manufacturer shall comply with the LEV II medium-duty vehicle phase-in requirements and, for 2003 through 2014 model-years may earn and bank VECs, both in accordance with Title 13, California Code of Regulations Section 1961, except VECs earned prior to model-year 2005 shall be treated as though they were earned in model-year 2005.
- (3) Effective for 2015 and subsequent model years (or 2014, for manufacturers choosing early compliance with the fleet average requirements in Section 1961.2), each manufacturer shall comply with the fleet average NMOG + NOx emission requirements and the LEV III phase-in requirements for passenger cars, light-duty trucks, and medium-duty vehicles, and may earn and bank NMOG + NOx credits or VECs as applicable, all in accordance with Title 13, California Code of Regulations, Section 1961.2.
- (4) Effective for the 2009 through 2017 model years, each manufacturer's sales fleet of passenger cars and light duty trucks produced and delivered for sale or lease in the State of Maine shall contain at least the same percentage of ZEVs subject to the requirements, including credit and banking provisions, set forth in the Title 13 California Code of Regulations, Section 1962.1 using Maine specific vehicle numbers.

Effective for 2018 and subsequent model years, each manufacturer shall comply with the California general percentage ZEV requirement based on the number of passenger cars and light-duty trucks to the extent required by Title 13, California Code of Regulations, Section 1962.2(b), produced by the manufacturer and delivered for sale in Maine in accordance with the requirements and procedures in Title 13, California Code of Regulations, Section 1962.2.

- (5) Manufacturers shall comply with fleet average greenhouse gas emission requirements as follows:
  - (a) Effective for 2009 through 2016 model years, each manufacturer shall comply with the fleet average greenhouse gas emission levels from passenger cars, light-duty trucks and medium-duty passenger vehicles, including but not limited to the generation and use of credits, in accordance with Title 13, California Code of Regulations 1961.1
  - (b) Effective for 2017 and subsequent model years, each manufacturer shall comply with the fleet average greenhouse gas emission levels based on the sales-weighted average of the calculated CO<sub>2</sub> exhaust mass emission target values for passenger cars, light-duty trucks and medium-duty passenger vehicles from each manufacturer, including but not limited to the generation and use of credits, in accordance with Title 13, California Code of Regulations, Section 1961.3.
  - (c) Greenhouse gas credits and debits may be accrued and used based on each manufacturer's sale of vehicles subject to the greenhouse gas provisions of this section in the State of



Maine in accordance with the provisions set forth in Title 13, California Code of Regulation, Section 1961.1 and 1961.3.

## **8. Manufacturer Reporting Requirements**

**A. Delivery Reporting.** Commencing with the 2001 model-year for passenger cars and light-duty trucks and the 2003 model year for medium-duty vehicles, each manufacturer shall submit annually, to the Department, by March 1 following the end of each model-year, a report, itemized by test group, documenting total new vehicles delivered for sale or lease in Maine.

### **B. Fleet Reporting**

- (1) Each manufacturer shall submit annually to the Department, by March 1 (or May 1 for GHG reporting) following the end of each model-year, a report that demonstrates that the manufacturer has met the fleet requirements of Section 7 in Maine.
- (2) If a manufacturer wants to bank VECs, NMOG, or NMOG + NOx credits, the manufacturer shall submit annually, by March 1 or May 1 for GHG reporting, following the end of the model-year, a report, which demonstrates that such manufacturer has earned VECs, GHGs, NMOG, or NMOG + NOx credits in Maine. Credits are to be calculated in the same manner as required by CARB.
- (3) Each manufacturer shall submit a compliance report to the commissioner no later than May 1<sup>st</sup> following the completed model year demonstrating compliance with Sections 4(C) or 4(D). The compliance report shall include vehicle sales organized by engine family and identify the number of Maine ZEV credits earned. Such report may be amended based on late sales.

### **C. Recall Reporting**

- (1) Each manufacturer shall submit for 2001 and subsequent model-year vehicles, within 10 days of CARB approval, a copy of any CARB approved voluntary, influenced or ordered recall plan specified by Title 13, California Code of Regulations Sections 2114 and 2125, supplemented with the number of affected vehicles registered in Maine.
- (2) Each manufacturer shall submit recall campaign progress reports for vehicles registered in Maine, within the timelines of, and containing the information required by, Title 13, California Code of Regulations Sections 2119 and 2133. Reports need not be submitted to the Department if the equivalent reports have been waived by CARB.

### **D. Documentation**

A manufacturer, a dealer or a transporter of new vehicles shall, upon request, provide to the Department any documentation, which the Department determines to be necessary for the effective administration and enforcement of this Chapter.

## **9. Regional Document Repository**

Maine may enter into an agreement with other states to establish a regional document repository.

## **10. Dealer Inspection**

The Department or its agents may conduct inspections on any premises owned, operated, used, leased, or rented by any dealer.

**11. Add-On-Parts and Modified Parts.** Title 13 California Code of Regulations, Chapter 4, Article 2, Section 2222 Add-On-Parts and Modified Parts in Appendix A of this Chapter is effective June 1, 2018.

## **12. Severability**

Each Section of this Chapter shall be deemed severable, and in the event that any Section of this Chapter is held invalid, the remainder shall continue in full force and effect.

AUTHORITY: 38 M.R.S.A., Sections 585, 585-A, 585-D

EFFECTIVE DATE: February 17, 1993  
Amended: March 30, 1994  
Electronic Conversion: May 8, 1996  
Amended: December 31, 2000  
Amended: December 22, 2001  
Amended: December 28, 2004, filing 2004-598  
Amended: September 4, 2005, filing 2005-318  
Amended: December 19, 2005, filing 2005-498  
Amended: May 20, 2009  
Amended: July 29, 2012  
Amended: December 12, 2012  
Amended: September 3, 2013  
Amended March May 19, 2015

---

### **BASIS STATEMENT OF FEBRUARY 17, 1993**

Portions of the State of Maine exceed both the state and federal ambient air quality standard for ozone. Mobile sources have been identified as the single greatest source of both volatile organic compounds (VOC) and nitrogen oxides (NOx) emissions, precursors to ozone formation. In addition, mobile sources are significant emitters of air toxics. The 1990 Clean Air Act Amendments (CAAA) mandate that Maine's moderate nonattainment areas achieve a 15 percent reduction in VOCs by November 15, 1996, and that Maine implement a strategy for the long-term maintenance of air quality.

Chapter 127 establishes exhaust and evaporative emission standards for all non-exempt 1996 and newer passenger cars and light-duty trucks. Beginning with the 1996 model-year, all new passenger cars and light-duty trucks subject to Chapter 127 must have received an Executive Order issued by the California Air Resources Board certifying that the specified engine family or model-year has been certified for sale in California.

By the year 2015, Chapter 127 will result in a 56 percent reduction in mobile source emissions of VOCs and a 38 percent reduction in mobile source emissions of NOx. Air toxics emissions from mobile sources will be reduced by approximately 64 percent. It is estimated that vehicles certified to the Chapter 127 standards will cost an additional \$200 over the cost of a comparable, non-certified vehicle.

The Department received numerous comments on the proposal from both proponents and opponents. Proponents noted the cost-effective manner in which Chapter 127 addresses long-term emission reductions and air quality maintenance through the use of currently available technology, while opponents criticized the proposal on its cost, effectiveness, technological demands and fuel related issues. In addition to the Basis Statement, the Department has filed with the Secretary of State the response to comments received during the comment period.

#### **BASIS STATEMENT FOR AMENDMENTS OF MARCH 30, 1994**

This regulation has been amended to incorporate restrictions on the implementation of the Maine New Motor Vehicle Emissions Standards made by the 116th First Regular Session of the Maine Legislature. The effective date of the regulation and applicable dates have been changed in response to the restrictions set forth in 38 M.R.S.A Section 585-D. The regulation has also been amended by deleting provisions for in-use vehicle enforcement testing due to resource constraints and concerns over the Department's legal authority to conduct such testing. One commenter suggested that all emissions related motor vehicle recalls instituted by either the California Air Resources Board or motor vehicle manufacturers automatically apply to vehicles subject to this regulation unless the Department determines the recall is not applicable within 30 days. The regulation was amended to reflect this comment.

Chapter 127 requires that all new motor vehicles subject to the regulation be manufactured and certified to more stringent emission standards than those required by the federal government. These more stringent emission standards are necessary for the long term maintenance of air quality in the face of increased vehicle usage and economic development. The emission reductions resulting from this regulation will also be necessary to attain the State ozone air quality standard of .081 ppm.

In addition to the Basis Statement above, the Department has filed with the Secretary of State its responses to comments received during the comment period.

#### **BASIS STATEMENT FOR AMENDMENTS OF DECEMBER 21, 2000**

On February 17, 1993, Maine adopted the Chapter 127, New Motor Vehicle Emission standards, which provide for cleaner new vehicles than those vehicles manufactured under federal emission standards. However, legislation was subsequently passed stipulating that the effective date of the regulation was dependent on whether states in the northeast and the Ozone Transport Region also adopted similar rules. The automobile manufacturers were notified in December 1997 that these conditions were met, and Maine's LEV program commenced with model-year 2001 motor vehicles. The Legislature subsequently removed the triggers from legislation.

This amendment of Chapter 127, through a repeal and replace, reflects changes to the California Low Emission Vehicle Program that were made since the Maine program was adopted in 1993. The California Air Resources Board first adopted LEV standards in 1990. These first LEV standards run from 1994 through 2003. LEV2 regulations, running from 2004 through 2010, represent continuing progress in emission reductions. The state's passenger vehicle fleet continues to grow, we continue to increase the number miles driven, and more sport utility vehicles and pickup trucks are used as passenger cars rather than work vehicles. The new, more stringent LEV2 standards are necessary for Maine to attain and maintain federally-mandated clean air standards and further reduce the many harmful pollutants emitted from motor vehicles.

In addition this amendment also repeals the Zero Emission Vehicle mandate. The original Zero Emission Vehicle mandate would require that, starting with model-year 2003 motor vehicles, 10 percent of new vehicles sold in Maine be Zero Emission Vehicles. A portion of the 10 percent mandate can be made through partial "ZEV credits" for vehicles such as gasoline/electric hybrids and super clean gasoline-powered vehicles.

In September 2000 the California Air Resources Board decided to keep its ZEV mandate in place. While upholding the ZEV mandate the Board expressed concerns on several issues: current lack of ZEV availability, market demand, and cost and incentives for ZEVs. CARB directed their staff to review the regulation and propose appropriate modifications to address these issues and assure successful penetration of ZEVs into the market. The Department has similar reservations and recommends that the Board repeal the current ZEV mandate and revisit the ZEV mandate after California has completed its evaluation.

In addition to the Basis Statement above, the Department has filed with the Secretary of State its responses to comments received during the comment period.

#### **BASIS STATEMENT FOR AMENDMENTS OF DECEMBER 6, 2001**

California incorporated EPA's federal Tier II standards that were more stringent for light and medium duty vehicles than the previously adopted LEV II standards. California also adopted EPA's more stringent standards for heavy-duty gasoline engines beginning in model-year 2005. By adopting these standards, Maine continues to receive only the cleanest vehicles available in every vehicle category.

In the 1990s, seven large manufacturers of heavy-duty diesel engines (HDDEs) violated federal certification regulations by turning off, or defeating, emissions control equipment during in-use highway driving. When the Heavy-Duty Diesel Engines (HDDE) certification violations were discovered, it was found that operation outside the scope of the Federal Test Procedure (FTP) test cycle could result in significant emission increases. To address this and resolve litigation over these certification violations, in 1998, the Department of Justice, the EPA and the California Air Resources Board (CARB) signed consent decrees with seven engine manufacturers, which account for approximately 60% of the manufactured HDDE engines for sale in the United States. In the consent decrees, the settling manufacturers are required, among other things, to produce HDDEs that comply with prescribed emission standards that are lower than those currently required by CARB and EPA regulations, as measured by FTP, no later than October 1, 2002. These standards are approximately 50 percent cleaner than currently available engines, cutting NO<sub>x</sub> emissions in half.

In addition, the majority of the settling manufacturers agreed to produce engines by October 1, 2002, that would meet supplemental test procedures including the Not-To-Exceed (NTE) test and the EURO III European Stationary Cycle (ESC) test. The NTE requirement would apply under any engine operating conditions that could reasonably be expected in normal vehicle use. ESC primarily represents the typical highway cruise operating conditions of heavy-duty diesel vehicles. This can help prevent excess emission increases during highway driving.

The consent decrees state that these requirements must be met for a period of two years for diesel engines for model-year vehicles 2003-2004. U.S. EPA adopted in 1997 more stringent emission standards for HDDE vehicles effective for model-year 2004. Recognizing the effectiveness of the supplemental tests, on October 29, 1999, the EPA published a Notice of Proposed Rulemaking (64 FR 58472) proposing to adopt similar supplemental test procedures for 2004 and subsequent model-year HDDEs. However, because of statutory federal timing constraints, the NTE and ESC test procedures will not be required until the 2007 model-year for federally certified HDDEs (65 FR 59896, October 6, 2000). Therefore,



once the consent decree requirements expire in 2004, the settling manufacturers will not be obligated to comply with the supplemental test procedures for model-years 2005 or 2006.

In order to assure continued compliance by the settling manufacturers and to begin compliance by all other manufacturers with model-year 2005, California adopted rules on December 8, 2000, to include the NTE and ESC tests in the required California certification process for 2005 and subsequent model-year HDDEs. California's supplemental test procedures parallel those in the consent decrees and the EPA's Final Rule for 2007 and subsequent model-year HDDEs. By adopting California's NTE standards, Maine closes the regulatory gap from the expiration of the consent decrees in 2004 to when the federal test procedures take effect in 2007. Adopting the proposed test procedures will require settling manufacturers to continue producing clean engines during the 2005 and 2006 model-year and require non-settling manufacturers to produce cleaner engines two years prior to the EPA 2007 rule.

Promulgation of the NTE standards would reduce NO<sub>x</sub> emissions from HDDE vehicles by 50 %, which is a known precursor to the production of ozone. Based on predicted California sales, the cost-effectiveness of the HDDE test procedures is a lifetime reduction of 2.41 tons of NO<sub>x</sub> at a cost of \$340/ton. Adoption of these NTE standards would aid the State in maintaining NAAQS for ozone by reducing the in-use emissions of air contaminants from HDDE vehicles.

#### **BASIS STATEMENT FOR AMENDMENTS OF DECEMBER 2, 2004**

The purpose of this rule making is to adopt California's 2007 Heavy-Duty Diesel Engine (HDDE) emission standards and extend beyond 2006 the Not-To Exceed (often referred to as the NTE Rule) and Euro III European Stationary Cycle emission test procedures for on-road heavy-duty diesel engines. The California standard will be phased in over four years - 50% of the new engines sold in model years 2007 through 2009 are to meet the new NO<sub>x</sub> standard with full compliance in model year 2010. These standards will not be in effect in Maine until 2008, the second year of the four-year phase-in period. Therefore, the standards that will apply in Maine for 2008, 2009 and 2010 will be the identical standards in effect in California for each criteria pollutant for those three years.

EPA's 2007 heavy-duty diesel rule requires engines to emit 95% less NO<sub>x</sub> and 90% less harmful diesel particulate matter than the current engine standard. California's adopted HDDE regulations for model years 2007 and subsequent years are substantively identical to the EPA rule for model year 2007. We propose to adopt California's standard to continue to receive these significant emissions reductions in the event that EPA's 2007 rule is delayed or weakened.

The trucking industry has suggested a delay may be necessary or that Congress should create financial incentives to help address the cost of buying these new engines. States are concerned that congressional action or a last minute industry legal challenge could postpone the implementation of the federal rule in 2007.

This rulemaking is part of a multi-state initiative. To date 13 states have committed to adopting California's heavy-duty diesel emission standards to ensure that a significant portion of the domestic market for HDDEs is required to meet the more stringent emission standards and that states receive the associated significant emission reduction benefits.

Adoption of the 2007 California HDDE emission standards would aid the State in attaining and maintaining NAAQS for ozone by reducing the in-use emissions of air contaminants from HDDE vehicles.

**BASIS STATEMENT FOR AMENDMENTS OF DECEMBER 2, 2004**

In December 2000 the Board repealed the ZEV program. While California Air Resources Board (CARB) upheld its ZEV program, CARB expressed concerns on several issues: current lack of ZEV availability, market demand, and cost and incentives for ZEVs. CARB directed their staff to review the regulation and propose appropriate modifications to address these issues and assure successful penetration of ZEVs into the market. The Department had similar reservations and recommended that the Board repeal the current ZEV program and revisit the ZEV program after California completed its evaluation.

When California adopted the ZEV program in 1993, battery electric vehicles were virtually the only vehicles available that could meet the ZEV requirements. In April 2003 CARB finalized modifications to its ZEV program that better aligned the program requirements with the status of current technology development. These modifications allow gasoline-electric hybrids and gasoline powered vehicles that meet the SULEV standard with zero evaporative emissions to meet up to 80% of the ZEV requirement. The ZEV percentage requirements remained at 10% but started in model year 2005, allowing manufacturers to earn and bank credits for vehicles produced prior to the 2005 model year.

The 2003 changes also include an "alternative compliance path" that allows AT PZEVs (gasoline-electric hybrids) to be used to meet the pure ZEV obligations, provided that the manufacturer meets a requirement for a specified number of fuel cell vehicles (250 fuel cell vehicles from 2001 to 2008).

Many of these technologies have at least some qualities inherent to ZEV's, such as extremely low emissions and extended durability, partial all-electric range or the use of an inherently durable non-combustion engine. The program introduces significant flexibility into the ZEV sales requirement and broadens the scope of vehicles that can qualify for meeting some portion of the ZEV sales requirement.

Based on the California Zero Emission Vehicle Program modifications, the Department finds that California has addressed the concerns expressed in 2000.

Maine - like six other states in the Northeast (Vermont, Massachusetts, and New York with existing programs; Connecticut, RI, and NJ with new programs)- has chosen to implement California's LEV program. Unlike those six states, however, Maine has not incorporated the Zero Emission Vehicle program. New Hampshire has neither program.

Reductions in mobile source emissions are an important part of achieving air quality goals. Maine, federal, state, and local governments are working to bring ozone and particulate levels into compliance with the National Ambient Air Quality Standard (NAAQS) through State Implementation Plan (SIP) attainment and maintenance plans, and to ensure that future air quality reaches and continues to achieve these health-based standards. In addition mobile sources are a major contributor to air toxics such as benzene and greenhouse gases such as carbon dioxide. The Department finds that the Zero Emissions Vehicle program will result in significant reductions of volatile organic compounds, air toxics, and carbon dioxide.

In addition to the Basis Statement above, the Department has filed with the Secretary of State its responses to comments received during the comment period.

**BASIS STATEMENT FOR AMENDMENTS FOR JULY 21, 2005**

On October 7, 2004 the Board of Environmental Protection (Board) held a public hearing on proposed amendments to Chapter 127 that would reinstate the Zero Emission Vehicle program. On December 2,

2004 the Board provisionally adopted the amendments to Chapter 127 pursuant to 38 MRSA Section 585-D, which states that “any rule adopted by the board containing a zero-emission vehicle mandate is a major substantive rule pursuant to Title 5, chapter 375, subchapter II-A.”

On May 31, 2005 Governor John Baldacci signed into law LD 1465, “A Resolve, Regarding Legislative Review of Portions of Chapter 127: New Motor Vehicle Emission Standards, a Major Substantive Rule of the Bureau of Air Quality” (emergency). The Resolve authorized the final adoption of portions of Chapter 127. However, at the Department’s recommendation, the legislature amended the provisionally adopted Chapter 127 to include provisions to allow automobile manufacturers “ramp-up” credits. This provision allows automobile manufacturers to establish credits in Maine for placement of vehicles in California (proportional to the vehicle sales in Maine).

### **BASIS STATEMENT FOR AMENDMENTS OF DECEMBER 1, 2005**

The purpose of this rulemaking is to amend Chapter 127 to reflect changes to California’s LEV II program that are incorporating motor vehicle greenhouse gas (GHG) emission standards commencing with the 2009 model year for passenger cars, light duty trucks and medium-duty passenger vehicles, and maintain identical standards with California for all vehicle weight classes as required by Section 177 of the federal Clean Air Act.

Motor vehicle emissions account for approximately 25% of total anthropogenic GHG emissions in the Northeast. The most recent GHG Inventory for Maine shows that transportation accounted almost half of our state’s total CO<sub>2</sub> emissions. Motor vehicle miles traveled are predicted to increase representing the fastest growing portion of the region’s overall GHG inventory. Maine, together with other New England states and Canadian Provinces, has committed to reduce its GHG emissions to 1990 levels by 2010, and 10 percent below that by 2020. During development of the Maine Climate Action plan, the stakeholders’ process determined that per capita GHG emission from motor vehicles in Maine exceeds the national average and every other New England State. In the Maine Climate Action Plan, this program is the number one recommendation from the Transportation and Land Use working group, and the number two overall recommendations to meet Maine’s GHG reduction targets.

The emission reductions could be achieved using existing and emerging advanced technology such as cam phasing; variable valve timing and lift; turbo or super-charging modification; cylinder deactivation; gasoline direct injection; improved multi-speed transmissions; and more efficient, low-leak air conditioning. The technologies explored are currently used on some vehicle models or have been demonstrated by auto companies in at least prototype form.

The standards phase in beginning with 2009 model year through 2016, allowing changes to be made as part of the product improvement cycle. The standards are based on the manufacturer with the greatest average weight so all models can comply, even the largest SUVs. This ensured that all manufacturers can comply with the standards without resorting to weight reduction or altering their fleet mix. The regulation allows significant flexibility for manufacturers to average emissions across their vehicle models, bank excess credits for later use and trade credits in order to meet the GHG emission standards.

Transportation is Maine’s single largest and fastest growing source of greenhouse gasses. Adoption of this regulation is the only currently available policy option that can substantially reduce emissions from this sector and help Maine meet its commitment to reducing greenhouse gas emissions.

In addition to the Basis Statement above, the Department has filed with the Secretary of State its responses to comments received during the comment period.

**BASIS STATEMENT FOR AMENDMENTS OF APRIL 16, 2009**

The purpose of this rulemaking is to amend Chapter 127 to reflect changes to California's LEV II program in accordance with Section 177 of the Clean Air Act. CARB has revised its ZEV program to better align the program requirements with the status of current technology development. The program modifications introduced significant flexibility into the ZEV sales requirement and broadened the scope of vehicles that can qualify for meeting some portion of the ZEV sales requirement. CARB modified the ZEV program to address the state of technologies available to meet the regulation and create incentives for new vehicle designs. The most significant amendments pertain to model years 2012-2017, while 2009-2011 requirements remain largely unchanged. The amendments require commercialization of pure ZEV technologies while recognizing the technological limitations and costs of current vehicles. The amendment is expected to reduce the cost of compliance by the auto manufacturers by reducing the number of vehicles incorporating the most expensive technologies (fuel cell and battery EVs).

The proposed amendments to Chapter 127 also require new cars beginning with the 2010 model year display California's new environmental performance label which scores a vehicle's global warming and smog emissions from 1-10 with the highest score being the cleanest vehicle options.

And lastly the proposed amendments include California's new in-use vehicle requirements for 2008 and subsequent model year heavy-duty diesel engines which require an engine automatic shutdown system or certification to meet an optional NOx idling emission standard of 30 grams per hour. In addition, all diesel-fueled auxiliary power units and heaters installed on vehicles certified to 2007 and subsequent model year heavy-duty diesel engine standards be certified to meet California emission standards.

In addition to the Basis Statement above, the Department has filed with the Secretary of State its responses to comments received during the comment period.

**BASIS STATEMENT FOR AMENDMENTS OF JUNE 2012**

California certification requires a diesel fueled APU be equipped with a diesel particulate filter to reduce up to 80% of the diesel particulate matter. However, this requirement is becoming a financial burden on some diesel truck owners in that a CA certified APU costs up to \$3,000 more per unit than the Federal Tier 4 certified APU. APUs are used by diesel truck owners who need to have continuous power to their vehicle even while resting. Rather than idle the main truck engine, the APU is engaged and allows the driver to run various other equipment or systems such as a refrigerator unit, heating or air conditioning in a sleeper truck. In order to provide diesel truck owners the flexibility to install an APU to help reduce diesel truck idling, the Department is amending the regulation to allow the truck owner to install either a CA certified APU or a Federal Tier 4 certified APU.

In addition to the Basis Statement above, the Department has filed with the Secretary of State its responses to comments received during the comment period.

**BASIS STATEMENT FOR AMENDMENTS OF DECEMBER 2012**

The amendments incorporate revisions to the low emission vehicle (LEV III) and greenhouse gas (GHG) emission standards, zero emission vehicle (ZEV) sales requirements, the environmental performance label, and new aftermarket and used catalytic converter requirements that have been adopted by the California Air Resources Board (CARB) as part of the LEV program. Adoption of the LEV III



amendments is required to remain consistent with California's vehicle emission standard regulations and to comply with Section 177 of the Clean Air Act's identity requirement.

Beginning with 2015 model year, LEV III criteria pollutant emission standards will reduce fleet average NMOG + NO<sub>x</sub> to achieve super ultra-low emission vehicle (SULEV) standards from new vehicles by model year 2022. The amendments will increase the stringency of the particulate matter standards; increase the durability requirements; increase the stringency and coverage of the evaporative emission standards; and allow manufacturers to demonstrate compliance with the fleet average NMOG plus NO<sub>x</sub> standard based on new vehicles delivered for sale in California and all Section 177 states.

Chapter 127 is revised to incorporate California's amendments to the ZEV Program beginning with 2012 model year. The amendments will adopt the ZEV requirements and credit mechanisms identical to California which create new ZEV types and extend the travel provision. The amendments provide compliance flexibility and allow the auto manufacturers to choose an optional Section 177 state compliance path.

Finally, California's LEV III amendments include extending the greenhouse gas standards for all new vehicles up to 10,000 pounds from 2017 through 2025 model years. The amendments harmonize with the federal program creating a National Program which ensures that the auto manufacturers can build a single fleet of vehicles that comply with both the federal and California programs. This National Program is projected to result in an average industry fleet wide standard of 163 grams per mile of carbon dioxide in model year 2025 which is equivalent to 54.5 miles per gallon if achieved exclusively through fuel economy improvements.

#### **BASIS STATEMENT FOR AMENDMENTS OF AUGUST 2013**

The purpose of this rulemaking is to delay the effective date of California's aftermarket catalytic converter requirements to June 1, 2015. The CARB standards for new aftermarket catalytic converters are more robust which are based on meeting the vehicle certification tailpipe emission levels for 50,000 miles. California adopted these requirements in October 2007 with a January 1, 2009 effective date. These requirements prohibit installing used catalytic converters and require that new aftermarket catalytic converters be certified by California Air Resources Board (CARB) for installation on vehicles certified to the California emission standards. This regulation would apply to passenger, light and medium duty-vehicles that are certified to the California emission standards after the warranty for the original equipment has expired. The purpose for delaying the effective date to June 1, 2015 is to allow more time for manufacturers to comply and for other states in the region to adopt these requirements. Some manufacturers have not certified their product to meet the CARB standards and therefore have insufficient inventory to meet the needs of the vehicle population in the northeast.

#### **BASIS STATEMENT FOR AMENDMENTS OF FEBRUARY 2015**

The purpose of this rulemaking is to delay the effective date to June 1, 2018 for requiring new aftermarket catalytic converters installed in Maine be certified by California Air Resources Board (CARB). This regulation would apply to passenger, light and medium duty-vehicles that are certified to the California emission standards after the warranty for the original equipment has expired. The purpose for further delaying the effective date to June 1, 2018 is to allow more time for manufacturers to comply and for other states in the region to adopt these requirements. States in the Ozone Transport Region have asked EPA to adopt the CARB aftermarket catalytic converter standards. The Ozone Transport Region Committee has also drafted the state Model Rule for Sale of Aftermarket Catalytic Converters based on

California's program. Additional time will allow these provisions to be adopted with a more uniform implementation process across the region.

**Appendix A**

Title 13 CCR	Title	Section Effective Date
Chapter 1	Motor Vehicle Pollution Control Devices.	
Article 1	General Provisions.	
1900	Definitions.	8/7/12
Article 2	Approval of Motor Vehicle Pollution Control Devices (New Vehicles).	
1956.8	Exhaust Emissions Standards and Test Procedures — 1985 and Subsequent Model Heavy-Duty Engines and Vehicles.	8/7/12
1960.1	Exhaust Emissions Standards and Test Procedures — 1981 and through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles.	8/7/12
1960.5	Certification of 1983 and Subsequent Model-Year Federally Certified Light-Duty Motor Vehicles for sale in California.	10/16/02
1961	Exhaust Emission Standards and Test Procedures – 2004 through 2019 Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.	8/7/12
1961.1	Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2009 through 2016 Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles	8/7/12
1961.2	Exhaust Emission Standards and Test Procedures - 2015 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.	8/7/12
1961.3	Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.	8/8/12
1962	Zero Emission Vehicle Standards for 2005 through 2008 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles.	2/13/10
1962.1	Zero-Emission Vehicle Standards for 2009 through 2017 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles	8/7/12
1962.2	Zero-Emission Vehicle Standards for 2018 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.	8/7/12
1962.3	Electric Vehicle Charging Requirements	8/7/12
1965	Emission Control and Smog Index, and Environmental Performance Labels — 1979 and Subsequent Model-Year Motor Vehicles.	8/7/12
1968.1	Malfunction and Diagnostic System Requirements — 1994 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Engines.	11/27/99

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

1968.2	Malfunction and Diagnostic System Requirements – 2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks and Medium Duty Vehicles and Engines.	8/7/12
1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions.	8/7/12
1978	Standards and Test Procedures for Vehicle Refueling Emissions.	8/7/12

Title 13 CCR	Title	Section Amended Date
Article 6	Emission Control System Warranty.	
2035	Purpose, Applicability, and Definitions.	11/09/07
2036	Defects Warranty Requirements for 1979 Through 1989 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles; 1979 and Subsequent Model Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles.	5/15/99
2037	Defects Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, and Motor Vehicle Engines Used in Such Vehicles.	8/7/12
2038	Performance Warranty for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles.	8/7/12
2039	Emissions Control System Warranty Statement.	12/26/96
2040	Vehicle Owner Obligations.	12/26/90
2046	Defective Catalyst.	1/16/79
Article 7.	Procedures for Certifying Used Modifier-Certified Motor Vehicles and Licensing Requirements for Vehicle Emission Test Laboratories.	
2047	Certification Procedures for Used Modifier-Certified Motor Vehicles.	5/31/88
Chapter 2	Enforcement of Vehicle Emission Standards and Surveillance Testing.	
Article 1	Assembly-Line Testing.	
2062	Assembly-Line Test Procedures - 1998 and Subsequent Model-years.	8/7/12
Article 1.5	Enforcement of Vehicle Emission Standards and Surveillance Testing for 2005 and Subsequent Model-year Heavy-Duty Engines and Vehicles.	
2065	Applicability of Chapter 2 to 2005 and Subsequent Model-year Heavy-Duty Engines and Vehicles.	12/4/03



Title 13 CCR	Title	Section Amended Date
Article 2	Enforcement of New and In-Use Vehicle Standards.	
2101	Compliance Testing and Inspection — New Vehicle Selection, Evaluation and Enforcement Action.	11/27/99
2109	New Vehicle Recall Provisions.	11/30/83
2110	Remedial Action for Assembly-Line Quality Audit Testing of Less Than a Full Calendar Quarter of Production Prior to the 2001 Model-year.	11/27/99
Article 2.1	Procedures for In-Use Vehicle Voluntary and Influenced Recalls.	
2111	Applicability.	12/8/10
2112	Definitions.	8/7/12
	Appendix A to Article 2.1. (located under 2112)	8/7/12
2113	Initiation and Approval of Voluntary and Influenced Emission-Related Recalls.	1/26/95
2114	Voluntary and Influenced Recall Plans.	11/27/99
2115	Eligibility for Repair.	1/26/95
2116	Repair Label.	1/26/95
2117	Proof of Correction Certificate.	1/26/95
2118	Notification.	1/26/95
2119	Recordkeeping and Reporting Requirements.	11/27/99
2120	Other Requirements Not Waived.	1/26/95
2121	Penalties.	1/26/95
Article 2.2	Procedures for In-Use Vehicle Ordered Recalls.	
2122	General Provisions.	12/8/10
2123	Initiation and Notification of Ordered Emission-Related Recalls.	1/26/95
2124	Availability of Public Hearing.	1/26/95
2125	Ordered Recall Plan.	1/26/95
2126	Approval and Implementation of Recall Plan.	1/26/95
2127	Notification of Owners.	1/26/95
2128	Repair Label.	1/26/95
2129	Proof of Correction Certificate.	1/26/95
2130	Capture Rates and Alternative Measures.	11/27/99
2131	Preliminary Tests.	1/26/95
2132	Communication with Repair Personnel.	1/26/95
2133	Recordkeeping and Reporting Requirements.	1/26/95
2135	Extension of Time.	1/26/95

Title 13 CCR	Title	Section Amended Date
Article 2.3.	In-Use Vehicle Enforcement Test Procedures.	
2136	General Provisions.	12/8/10
2137	Vehicle Selection.	12/28/00
2138	Restorative Maintenance.	11/27/99
2139	Testing.	8/7/12
2140	Notification and Use of Test Results.	8/7/12
Article 2.4	Procedures for Reporting Failure of Emission-Related Components.	
2141	General Provisions.	12/8/10
2142	Alternative Procedures.	02/23/90
2143	Failure Levels Triggering Recall.	11/27/99
2144	Emission Warranty Information Report.	11/27/99
2145	Field Information Report.	8/7/12
2146	Emissions Information Report.	11/27/99
2147	Demonstration of Compliance with Emission Standards.	8/7/12
2148	Evaluation of Need for Recall.	11/27/99
2149	Notification of Subsequent Action.	2/23/90
Chapter 4	Criteria for the Evaluation of Motor Vehicle Pollution Control Devices and Fuel Additives	
Article 2	Aftermarket Parts	
2221	Replacement Parts	11/30/83
2222	Add-On Parts and Modified Parts	10/1/09
2224	Surveillance	8/16/90
Chapter 4.4	Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks	
2235	Requirements.	8/8/12
Chapter 10	Mobile Source Operational Controls	
Article 1	Motor Vehicles	
2485(c)(3)	Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling	12/3/09



## Department of the Secretary of State

[Home](#) → [Bureau of Corporations, Elections & Commissions](#) → [Rule Making](#) → [Weekly Notices](#) → January 14, 2015

# January 14, 2015

## WEEKLY NOTICES OF STATE RULE-MAKING Public Input for Proposed and Adopted Rules

Notices are published each Wednesday to alert the public regarding state agency rule-making. You may obtain a copy of any rule by notifying the agency contact person. You may also comment on the rule, and/or attend the public hearing. If no hearing is scheduled, you may request one – the agency may then schedule a hearing, and must do so if 5 or more persons request it. If you are disabled or need special services to attend a hearing, please notify the agency contact person at least 7 days prior to it. **Petitions:** you can petition an agency to adopt, amend, or repeal any rule; the agency must provide you with petition forms, and must respond to your petition within 60 days. The agency must enter rule-making if the petition is signed by 150 or more registered voters, and may begin rule-making if there are fewer. You can also petition the Legislature to review a rule; the Executive Director of the Legislative Council (115 State House Station, Augusta, ME 04333, phone 207/287-1615) will provide you with the necessary petition forms. The appropriate legislative committee will review a rule upon receipt of a petition from 100 or more registered voters, or from "...any person who may be directly, substantially and adversely affected by the application of a rule..." (Title 5 Section 11112). **World-Wide Web:** Copies of the weekly notices and the full texts of adopted rule chapters may be found on the internet at: <http://www.maine.gov/sos/cec/rules/index.html>. There is also a [list of rule-making liaisons](#), who are single points of contact for each agency.

---

## NOTICE

---

AGENCY: **29-250** - Department of Secretary of State, **Bureau of Corporations, Elections Commission**

RULE TITLE OR SUBJECT: **Request for Comments on the *Maine Administrative Procedure Act***

CONCISE SUMMARY: By the end of January, 2015, the Secretary of State must file an annual report to the Governor and the Joint Standing Committee on State and Local Government on the *Administrative Procedure Act*. The purpose of this ad is to solicit, from state agencies and the public, recommendations for improvements to the rule-making process. We will include a summary on these recommendations in the report. Please submit comments via e-mail or U.S. postal.

STATUTORY AUTHORITY: 5 MRSA §8056-A

PUBLIC HEARING: None

DEADLINE FOR COMMENTS: January 28, 2015

AGENCY CONTACT PERSON: Don Wismer, APA Coordinator, Department of Secretary of State, 101 State House Station, Augusta, ME 04333. Telephone: (207) 624-7650. Fax: (207) 287-6545. E-mail: [Don.Wismer@Maine.gov](mailto:Don.Wismer@Maine.gov) .

WEBSITE: <http://www.maine.gov/sos/cec/rules/index.html> .

---

## PROPOSALS

---

AGENCY: **01-669** - Department of Agriculture, Conservation and Forestry, **Bureau of Forestry (Maine Forest Service)**

CHAPTER NUMBER AND TITLE: **Ch. 21**, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas

PROPOSED RULE NUMBER: **2015-P001**

BRIEF SUMMARY: The Maine Department of Environmental Protection is delegating permit granting authority to the Bureau of Forestry (Maine Forest Service) for timber harvesting and related activities regulated under the *Natural Resources Protection Act* (NRPA). This rule-making will amend Maine Forest Service Ch. 21 "Statewide Standards for Timber Harvesting and Related Activities in Shore land Areas" to incorporate the permitting process and reconcile differences between NRPA water crossing standards and standards in Ch. 21. It also clarifies which activities are considered timber harvesting and which are not when vegetation is removed in proximity of existing development. To obtain a copy of the proposed rule contact Patti Roberts, Maine Forest Service, 22 State House Station, Augusta ME 04333. Telephone: (207) 287-2791. E-mail:

[Patti.Roberts@Maine.gov](mailto:Patti.Roberts@Maine.gov) .

PUBLIC HEARINGS:

**Farmington:** February 3rd 2015 at 6:00 p.m. in Farmington at the University of Maine – Farmington, Olsen Student Center, Dining Hall Section C

**Bangor:** February 4th 2015 at 6:00 p.m. in Bangor at the Bangor Motor Inn 701 Hogan Road, Bangor

COMMENT DEADLINE: Monday February 16th 5:00 p.m. Submit Comments to: Patti Roberts, Maine Forest Service, 22 State House Station, Augusta ME 04333 or by e-mail: [Patti.Roberts@Maine.gov](mailto:Patti.Roberts@Maine.gov) .

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS INFORMATION: Keith Kanoti, 22 State House Station, Augusta ME 04333. Telephone: (207) 287-1073. E-mail: [Keith.Kanoti@Maine.gov](mailto:Keith.Kanoti@Maine.gov) .

IMPACT ON MUNICIPALITIES OR COUNTIES: None.

STATUTORY AUTHORITY FOR THIS RULE: Sec.1 38 MRSA §480-E-3 as enacted by PL 2011 c. 599 and amended by PL 2014 ch. 570

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

WEBSITE: <http://www.maine.gov/dacf/mfs/index.shtml> .

AGRICULTURE RULE-MAKING LIAISON: Mari Wells-Eagar: [Mari.Wells@Maine.gov](mailto:Mari.Wells@Maine.gov) .



7

---

AGENCY: **06-096 - Department of Environmental Protection (DEP)**

CHAPTER NUMBER AND TITLE: **Ch. 127**, New Motor Vehicle Emission Standards

PROPOSED RULE NUMBER: **2015-P002**

BRIEF SUMMARY: The purpose for this proposed rule amendment is to delay implementation of California's aftermarket catalytic converter requirements for three years to June 1, 2018. In addition clarification for exempt vehicles is proposed in Section 4(F)(5).

The purpose for delaying the effective date to June 1, 2018 is to allow more time for small manufacturers to comply and for other states in the region to adopt these requirements. States in the Ozone Transport Region have asked EPA to adopt the CARB ACC standards. The Ozone Transport Region Committee has also drafted the state Model Rule for Sale of Aftermarket Catalytic Converters based on California's program. Additional time will allow these provisions to be adopted with a more uniform implementation process across the region.

These amendments will be submitted to EPA as a revision to Maine's State Implementation Plan.

CONTACT PERSON FOR THIS RULE / SMALL BUSINESS INFORMATION: Tom Graham, 17 Statehouse Station, Augusta, ME 04333. Telephone: (207) 287-7598. E-mail: [Tom.Graham@Maine.gov](mailto:Tom.Graham@Maine.gov).

PUBLIC HEARING: No public hearing scheduled - 30 day written comment period. A public hearing will be held if requested before the end of the comment period.

COMMENT DEADLINE: The deadline for receipt of written comments on the proposed rule is 5 p.m., February 17, 2015. Please include your name and the organization you represent, if any.

IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THE RULE: 38 MRSA §585-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

WEBSITE: <http://www.maine.gov/dep/>.

DEP RULE-MAKING LIAISON: [Mike.Karagiannes@Maine.gov](mailto:Mike.Karagiannes@Maine.gov).

---

AGENCY: **06-096 - Department of Environmental Protection (DEP)**

CHAPTER NUMBER AND TITLE: **Ch. 129**, Surface Coating Facilities

PROPOSED RULE NUMBER: **2015-P003**

BRIEF SUMMARY: The Department's proposal, based upon USEPA Control Technique Guidelines, expands the types of coating operations regulated by Ch. 129 to include miscellaneous plastic parts and products. The amendments provide for five major surface coating categories with numerous subcategories in each to further identify which coatings are subject to a specific emission limit. The emission limits are achieved by using low-VOC coatings and add-on controls either alone or in combination.

These amendments will be submitted to EPA as a revision to Maine's State

Implementation Plan.

PUBLIC HEARING: No public hearing scheduled - 30 day written comment period. A public hearing will be held if requested before the end of the comment period.

COMMENT DEADLINE: The deadline for receipt of written comments on the proposed rule is 5 p.m., February 17, 2015. Please include your name and the organization you represent, if any.

CONTACT PERSON FOR THIS RULE / SMALL BUSINESS INFORMATION: Tom Graham, Department of Environmental Protection, 17 State House Station, Augusta ME 04333-0017. Telephone: (207) 287-7598. E-mail: [Tom.Graham@Maine.gov](mailto:Tom.Graham@Maine.gov) .

IMPACT ON MUNICIPALITIES OR COUNTIES: None.

STATUTORY AUTHORITY FOR THE RULE: 38 MRSA §585-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: 42 U.S. Code §7511c

WEBSITE: <http://www.maine.gov/dep/> .

DEP RULE-MAKING LIAISON: [Mike.Karagiannes@Maine.gov](mailto:Mike.Karagiannes@Maine.gov) .

**AGENCY: 06-096 - Department of Environmental Protection (DEP)**

**CHAPTER NUMBER AND TITLE: Ch. 885, Designation of Formaldehyde as a Priority Chemical and Regulation of Formaldehyde in Children's Products**

**PROPOSED RULE NUMBER: 2015-P004**

**BRIEF SUMMARY:** As provided by Maine law 38 MRSA §1694, the Department has the authority to promote chemicals on Maine's chemicals of high concern list to priority status through routine technical rule-making. If a chemical meets certain statutory criteria it may be designated as a priority chemical by the Commissioner, with concurrence by the Department of Health and Human Service, Maine Center for Disease Control ("Maine CDC").

A review of Maine's chemicals of high concern list has resulted in the identification of formaldehyde as having the ability to cause significant known adverse health effects to the human body. Therefore, formaldehyde has been selected for designation as a priority chemical. Formaldehyde meets one or more of the statutory criteria for listing as a priority chemical and has the strong potential to be present in product categories of particular concern to the Department's Safer Chemicals Program.

Whereas there is a lack of information available in the public domain regarding the current use of formaldehyde in children's products, the Department pursues this action in order to require reporting from manufacturers or distributors of children's products that contain this formaldehyde which has been intentionally added to impart a specific functionality or characteristic to the final product.

Reporting provides the Department with important information on how and where this chemical is used in children's products. With this information the Department can make better informed decisions on the regulation of chemicals in children's products.

Copies of these rules are available upon request by contacting the Agency contact person listed on this form or on the DEP website at [www.maine.gov/dep/rules/](http://www.maine.gov/dep/rules/) .



Pursuant to Maine law, interested parties are publicly notified of the proposed rule-making and are provided an opportunity for comment. Written comments may be submitted by mail, e-mail or fax to the contact person before the end of the comment period. To ensure the comments are considered, they must include your name and the organization you represent, if any.

PUBLIC HEARING: N/A

COMMENT DEADLINE: February 17, 2015

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS INFORMATION: Kerri Malinowski, Maine Department of Environmental Protection, 17 State House Station, Augusta, ME 04333. Telephone: (207) 215-1894. Fax: (207)287-7641. E-mail: [Kerri.Malinowski@Maine.gov](mailto:Kerri.Malinowski@Maine.gov) .

IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 38 MRSA §1694

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: None

WEBSITE: <http://www.maine.gov/dep/> .

DEP RULE-MAKING LIAISON: [Mike.Karagiannes@maine.gov](mailto:Mike.Karagiannes@maine.gov)

---

## **06-096 - Department of Environmental Protection (DEP)**

CHAPTER NUMBER AND TITLE: **Ch. 888**, Designation of Four Members of the Chemicals Class Phthalates as Priority Chemicals

PROPOSED RULE NUMBER: **2015-P005**

BRIEF SUMMARY: This draft rule is proposed by citizen petition pursuant to 5 MRSA §8055, which was received by the Department on May 14, **2014**. The proposed rule designates four members of the chemical class phthalates as priority chemicals and requires reporting for certain product categories that contain one or more of the four listed phthalates. The proposal applies to manufacturers of specified product categories that contain intentionally added di(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), or diethyl phthalate (DEP).

As provided by Maine law at 38 MRSA § 1694, the Department has the authority to promote chemicals on Maine's chemicals of high concern list to priority status through routine technical rule-making. If a chemical meets certain statutory criteria it may be designated as a priority chemical by the Commissioner, with concurrence by the Department of Health and Human Service, Maine Center for Disease Control ("Maine CDC"). Once classified as a priority chemical, the Department has the authority to require manufactures of specified product categories to report their use of a priority chemical above *de minimis* levels.

In order to make the originally proposed draft rule more consistent with currently effective rules implemented by the Safer Chemicals Program, and to better align the proposed rule with Maine law, the Department has made substantial changes to the originally proposed draft. This public notice provides an opportunity for public review and comment regarding those changes.

Copies of the draft rule is available upon request by contacting the Agency contact person

or on the DEP website at [www.maine.gov/dep/rules/](http://www.maine.gov/dep/rules/).

Pursuant to Maine law, interested parties are publicly notified of the proposed rule-making and are provided an opportunity for comment. Written comments may be submitted by mail, e-mail or fax to the contact person before the end of the comment period. To ensure the comments are considered, they must include your name and the organization you represent, if any.

PUBLIC HEARING: N.A

COMMENT DEADLINE: February 17, 2015

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS INFORMATION: Kerri Malinowski, Maine Department of Environmental Protection, 17 State House Station, Augusta, ME 04333. Telephone: (207) 215-1894. Fax: (207)287-7641. E-mail: [Kerri.Malinowski@Maine.gov](mailto:Kerri.Malinowski@Maine.gov) .

IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 38 MRSA §1694

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: None

DEP RULE-MAKING LIAISON: [Mike.Karagiannes@Maine.gov](mailto:Mike.Karagiannes@Maine.gov) .

---

## **ADOPTIONS**

---

No adoptions this week

## **Credits**

Copyright © 2015  
All rights reserved.





SUPPLEMENTAL BASIS STATEMENT  
CHAPTER 127 NEW MOTOR VEHICLE EMISSION STANDARDS  
APRIL 2015

Commenters:

1. Joseph Kubsh  
Manufacturers of Emission Control Technology  
Arlington, VA
2. Anne Arnold  
U.S. EPA Region 1  
Boston, MA

\*\*\*\*\*

1. Comment: The Manufacturers of Emission Controls Association (MECA) represents the majority of aftermarket converter manufacturers. MECA supports the DEP's effort to reduce the existing light-duty fleet emissions by adopting California Air Resources Board's (ARB) aftermarket converter requirements.

MECA members conducted tests in 2012 comparing the emission benefits of California and federal aftermarket converters. At 25,000 miles, ARB converters emitted significantly less pollutants than EPA converters. The benefits of ARB aftermarket converters were greater at 50,000 miles. MECA believes the most effective way to improve the in-use light-duty fleet emissions is a more stringent federal aftermarket converter program.

MECA believes a successful transition to a new aftermarket converter program requires thoughtful planning and execution to minimize confusion and frustration. Once implemented, enforcement is essential to achieve the full emission benefits of the program. To facilitate enforcement, we urge the DEP to incorporate a visual inspection requirement under the state's light-duty vehicle inspection and maintenance program.

MECA commends the DEP for taking steps to apply the best aftermarket converter technology to the existing light-duty vehicle fleet. MECA looks forward to working with the DEP and stakeholders to ensure a smooth transition and successful enforcement of the requirements. Once the requirements take effect, industry is prepared to do its part to deliver emission control technologies to Maine.

*Response: The Department agrees that the installation of a California compliant aftermarket catalytic converter is the only way to be confident that emissions reduction commensurate with the original equipment installed on a vehicle certified to meet the California emission standards. However, New York is the only other state outside of California to adopt the California certified aftermarket program. Allowing more time for other states in the region to adopt the CARB program will ease enforcement and implementation. Regardless of market availability, to make the transition successful more time is needed to educate the distributors and installers of the aftermarket requirements. We look forward to working with you and the*

*distributers to raise awareness of the new requirements and the consumer benefits to the regulated community.*

*The Department agrees that enforcement of the regulation is essential to achieve the full emission benefits of the program however that discussion is outside the purview of this rulemaking.*

2. Comment: Maine previously submitted a State Implementation Plan (SIP) revision for its Chapter 127 regulation on December 14, 2012. This proposed amendment to Chapter 127 is to delay the compliance date of the California aftermarket catalytic converter requirements adopted in December 2012. Therefore, once the revised rule has been adopted, Maine should submit to EPA a SIP revision and withdraw the December 14, 2012 SIP submittal.

Chapter 127, Sec. 4.F. (5) contains a typographical error and should be revised to accurately reference the exempt vehicles provision of the California Code of Regulations.

*Response: The Department agrees once the revised rule to delay implementation of the California aftermarket catalytic converter requirements has been adopted to submit it to EPA as a revision to the State Implementation Plan. The typographical error has been corrected.*